

**State of Iowa  
Iowa Department of Administrative Services  
Human Resources Enterprise**

# **Applicant Screening Manual**

**February 2005**

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## CHAPTER 1 PURPOSE

### GENERAL SYSTEM REQUIREMENTS

Although the employment system has undergone major changes in recent years to improve the delivery of services and be more customer-focused, it must be remembered that the employment system remains a merit-based system. This means that it must be fair, equitable, and based on hiring the most qualified applicants available. Hiring applicants based on their merit (job-related qualifications) is still a cornerstone for making appointments.

Hiring based on merit requires comparing the job-related competence of one applicant against the job-related competence of other applicants. It is the intent of this manual to provide assistance to staff working in the human resources area and to supervisors in making hiring decisions based on the relative merit of applicants within the State's employment system.

### EMPLOYMENT PRACTICE STANDARDS

The following basic standards apply to all processes used to screen applicants in order to ensure that the applicants are fairly compared:

- Job requirements based on the competencies required to perform the duties of the position being filled need to be identified as the basis for the screening process to be used.
- Screening methods that will provide information about the applicant's job-related qualifications need to be used in identifying the best qualified applicants.
- Screening methods must treat all candidates in a fair, equitable, and non-discriminatory manner.
- Departments will apply the State of Iowa Equal Opportunity, Affirmative Action and Anti-Discrimination Policy in all screening and hiring activities.
- Use of reasonable accommodations in the screening process must be considered when requested and appropriate.
- Departments must apply Veteran's Preference Points to their primary scoring system for applicants.
- Screening methods must be job-related and justifiable on the basis of business necessity.
- All persons involved in the screening and hiring process must be trained and familiar with screening process requirements as well as how to fairly, equitably, and accurately apply those processes.
- All candidates must have access to information regarding their status in the screening process. Final applicants must be notified in writing of their status after final decisions are made.
- Records must be kept of the status of all applicants for use in assessing the equal employment opportunity impact of each screening process used.
- Records pertaining to the screening process and how decisions were made regarding each applicant must be maintained for a minimum of three years.
- Screening practices used by departments must reflect the above standards in their design and use.

## CHAPTER 2 CHECKLIST FOR SUPERVISORS

### Hiring Process Checklist

Hiring is one of the most critical decisions a supervisor will make. This will become even more critical, if, as the experts predict, the available pool of qualified applicants shrinks in the next few years as baby boomers retire. It is also important that the legal rights of applicants are fully respected, and that state and departmental hiring procedures are carefully followed.

Please review this Checklist carefully. If you have questions regarding the hiring process or the use of this Checklist, contact your Personnel Officer and/or your Personnel Assistant.

This Checklist has been provided as a means to assist you through an important part of your job as a supervisor. Use it as a guide in following necessary screening and hiring steps. Check the appropriate answer for your actions, fill in dates, and attach supporting materials as necessary. When you have completed this form, it should be retained in your department personnel records as an important part of the documentation of how you conducted the hiring process. This form can be a key exhibit in the event that your final selection is challenged as to its legality or propriety. This material can be linked to the support of your department's affirmative action plan and to assist in demonstrating that you have provided equal employment opportunity. It also has a direct relationship to your department's workforce plan.

For further explanation about establishing job requirements and the screening processes you can use, refer to the rest of the Applicant Screening Manual. This manual will provide more information about reviewing job requirements and developing options that can be used to identify applicants with the competencies needed to perform the essential functions and job duties of the position being filled.

## SCREENING AND HIRING PROCESS CHECKLIST

**Department** \_\_\_\_\_

**Class Title and Code** \_\_\_\_\_

**Division/Bureau/Section** \_\_\_\_\_

**Immediate Supervisor** \_\_\_\_\_

### Task 1

Reviewed and revised, if necessary, Position Description Questionnaire (PDQ). The PDQ must include essential functions of the job. An updated PDQ should be maintained in the department's personnel files. Check each of the following review steps as completed.

The latest version of the form can be found at:

[http://das.hre.iowa.gov/rfts/MS\\_manual/552-0094\\_position\\_description\\_questionnaire.dot](http://das.hre.iowa.gov/rfts/MS_manual/552-0094_position_description_questionnaire.dot)

**Date Completed:** \_\_\_\_\_

### Purpose

- ☐ The purpose for this position has been reviewed and revised, as necessary.

### Results/Outputs (not part of PDQ but critical to understanding job requirements)

- ☐ Reviewed and revised, as necessary, the results/outputs that this position is expected to produce.
- ☐ Reviewed and revised, as necessary, the methods used to produce these outputs/results.

### Essential Functions

- ☐ Reviewed or established essential functions.
- ☐ Wrote the essential functions in terms of producing critical or important results/outputs.
- ☐ Assured there is supporting evidence that the essential functions are truly essential.

### Duties

- ☐ The duties listed on the PDQ for the position are still current or have been revised, as necessary.

### Competencies

- ☐ Identified the competencies required to perform the duties that produce the essential functions of this position.
- ☐ The screening process to be used is job-related, as it measures the identified competencies.
- ☐ The competencies being measured are likely to identify the applicants most able to succeed on the job.

## Education and Experience Requirements

- ☐ Reviewed the education and experience requirements for the job class in which this position is classified.
- ☐ Identified additional selective requirements needed to perform the essential functions of this position.
- ☐ Included these requirements in the vacancy posting.

### Task 2

**Posted the vacancy for contract transfer (with required selective requirements, if needed).**

**Date Completed:** \_\_\_\_\_

### Task 3

**Submitted Vacancy Service Request.**

**Date Completed:** \_\_\_\_\_

- ☐ Included the length of time the position to be posted. (Must be posted a minimum of 10 calendar days.)
- ☐ Identified if applicants desired from only own department, any department, or all applicants.
- ☐ Identified major job duties and responsibilities, required competencies, minimum qualifications (education and experience requirements) and any position-specific selective certification requirements.

### Task 4

**Cleared/processed recall list.**

**Date Completed:** \_\_\_\_\_

### Task 5

**Developed screening plan.**

**Date Completed:** \_\_\_\_\_

- ☐ Identified the types of screening options to be used.
- ☐ Identified completion times for each step.

### Task 6

**Developed a standardized interview.**

**Date Completed:** \_\_\_\_\_

- ☐ Established/trained interview team (team recommended where possible).
- ☐ Developed written questions.
- ☐ Established how question answers will be ranked/scored.
- ☐ Reviewed recommended interview procedures (See Chapters 16-18 in this manual).

**Task 7**

Received list of applicants and applications from DAS-HRE.

Date Completed: \_\_\_\_\_

**Task 8**

Followed the Steps in the Hiring Process for considering applicants – see CFN 552-0492 at:  
[http://das.hre.iowa.gov/pdfs/MS\\_manual/CFN552-0492.pdf](http://das.hre.iowa.gov/pdfs/MS_manual/CFN552-0492.pdf).

Date Completed: \_\_\_\_\_

**Task 9**

Determined which applicants to interview.

Date Completed: \_\_\_\_\_

**Task 10**

Contacted applicants to schedule interviews.

Date Completed: \_\_\_\_\_

**Task 11**

Conducted reference checks (background checks also, when applicable – See Chapters 14 and 15).

Date Completed: \_\_\_\_\_

**Task 12**

Conducted the interviews.

Date Completed: \_\_\_\_\_

- ☐ Determined if a second round of interviews is necessary.
- ☐ Developed second standardized interview.

**Task 13**

Selected the final candidate.

Date Completed: \_\_\_\_\_

- ☐ Made a written offer.

**Task 14**

Received letter of acceptance from candidate (See Example on page 120 in Chapter 20).

Date Completed: \_\_\_\_\_

**Task 15**

Notified unsuccessful applicants by letter (See Examples on pages 122-125 in Chapter 20).

Date Completed: \_\_\_\_\_

**Task 16**

Assembled and retained interview records (3 years – See Chapter 20).

Date Completed: \_\_\_\_\_

**Task 17**

Returned list electronically to DAS-HRE with applicant status codes and date of hire included.

Date Completed: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

## CHAPTER 3 LEGAL PROTECTION

### What is legal protection for use of screening methods?

Legal protection when using a screening method involves the gathering of information that can be used to successfully withstand lawsuits that allege discrimination or other illegal hiring practices.

There is one primary legal protection that is most practical when applying screening tools for specific positions. That protection requires documentation that the screening method used is job-related and a business necessity.

Being *job-related* means that it can be demonstrated through a documented review of the position that the competencies measured in the screening method are required to successfully perform the job.

Being a *business necessity* means that the requirement being measured is truly essential, that is, it is directly related to performing an essential function of the job.

### Why be concerned about legal protections?

1. Using screening methods that are not job-related and a business necessity can be very expensive! Since the Civil Rights Act of 1964 expanded civil rights protections for job applicants, the courts have had ample opportunity to apply and interpret that law. Many lawsuits regarding the inappropriate use of tests have been filed, and individual judgments involving millions of dollars have been handed down.
2. Lawsuits are not only potentially expensive, the development of a defense when unprepared always requires large amounts of data gathering and staff time that takes away from customer service delivery.
3. It only makes good business sense to make sure that we are hiring applicants that are the most likely to succeed. If the methods we use are not job-related, more of the applicants hired will not succeed and service to our customers will suffer. In addition, we will spend more money on replacement costs.

### How do I develop adequate information to provide legal protection?

Adequate protection can be developed by following the procedure for establishing job requirements that is included in this manual. Other similar procedures may also provide information that would meet legal requirements. Since so much is at stake, when deciding to use another procedure, it is suggested that a department discuss the procedure with their assigned Personnel Officer before committing to its use.

**General guidance for establishing business necessity:**

- Necessity is not based upon employer preference or convenience.
- The employer must demonstrate that any special requirements are essential to the satisfactory performance of the job described on the position description questionnaire.
- The employer must document (not merely state) that the job requirements represent actual requirements for the job.
- The employer must not have hired workers with less/lower qualifications for the same or similar jobs.
- It must not be feasible to hire workers with lower qualifications and be successful.
- Unsupported statements may not constitute establishment of business necessity.

## CHAPTER 4 ESTABLISHING JOB REQUIREMENTS

### What are job requirements?

The job requirements described in this process are the competencies required to perform the essential functions of the position.

### Why identify the competencies?

Hiring is one of the most critical decisions that a supervisor can make! Resources are limited. Taxpayers have an expectation that we spend our budgets wisely and efficiently. How many supervisors have extra money to spend on filling the same positions over and over? How many supervisors can afford to hire staff that will not contribute to accomplishing the organizational mission?

Management needs to be focused on creating the results that will satisfy our customers and achieve the mission of our organization. *A key part of ensuring that we can produce the results expected of us involves hiring quality, capable staff.*

An important part of hiring capable staff is identifying the requirements for filling a given position. What competencies (knowledge, abilities, skills, or behaviors/characteristics) must an employee have to successfully produce the results that are required in the position being filled?

The following material is offered to assist you in reviewing each position as it is either being created or as the opportunity to fill it occurs.

### Job Requirements Identification

When a position is going to be filled, a structured review of the Position Description Questionnaire (PDQ) and the related requirements for the position is needed. This review should include an examination of the following elements:

- The reason the position exists.
- The results/outputs expected.
- The position's essential functions.
- The duties performed to accomplish the essential functions.
- The competencies required to perform those essential functions and duties.

### Review of Purpose

**Purpose: The reason that the position was established.**

- Positions are established to produce an end output/result that contributes to meeting the organization's mission and meets a customer's need.
- A position can produce output/results that relate to both a unit, bureau, division and department mission.

### Purpose Examples

- Create and administer a worker's compensation case management system.
- Obtain child support in assigned cases.
- Audit accounting records of municipalities to ensure appropriate accounting standards are applied.

## Reviewing Results/Outputs Expected

### What are Results/Outputs?

- Results/outputs are the actual “product” that a position is expected to produce.
- This is the actual work produced for customers.

### Why Review the Results/Outputs Expected?

Focusing on results makes it easier to determine how the job contributes to the organization’s mission.

### Expected Results Can and Do Change

- It helps staff understand how their work fits into the organization and why the organization needs their contribution.
- It helps identify the why of work: Why do we do what we do?
- It provides a better basis for identifying other methods that can accomplish the result.

### Results/Outputs Examples

- Develop and implement contracts.
- Handle complaints.
- Supply quality applicants.
- Develop strategic plans.
- Install new personal computers.
- Hire employees.
- Clean floors.

### Results/Outputs Identifying Questions

- What is the work output or result that is expected from this position?
- How does this output or result contribute to meeting the organization’s mission?
- What are your customer’s needs?
- How does this position meet customer needs?
- Are customer needs currently being met?
- What new outputs/results should be added to meet customer needs?
- What outputs/results should be removed or modified?
- What methods should be used to generate the results required?

### Essential Functions

#### **Essential functions are absolute requirements for producing critical job results/outputs.**

- An essential function can be an essential *output or result*; it can also be a *duty* required to produce an essential result; or it can be a *competency* that is required to be able to perform that essential duty.
- *Essential*, by definition, means *indispensable, vital, necessary, or related to the essence of the job*.
- It does not include marginal functions or duties performed.
- There are often many ways to produce the same end result.

- Essential functions should not just be a description of how an output or result has always been produced.

**It is important that alternative production methods be reviewed.**

**For example:**

- The output or result expected from a custodial worker is a clean floor.
- The duty performed has been to mop the floor daily. It may be more efficient to use a machine to perform the same function.
- The new duty assigned is to operate a floor cleaning machine. The essential function has not changed. It remains, “producing a clean floor.”

**Essential Function Examples**

- Producing a clean floor.
- Attending work regularly as required to meet production deadlines.
- Establishing and administering a results-based division budget.
- Writing effective informational materials.
- Negotiating and administering effective contracts for benefits services.

**Reasons Functions May Be Essential**

A job function may be considered essential for any of several reasons.

- It is the reason the position exists. The position was created to perform this function.
- A limited number of employees are available to perform the function.
- The function is highly specialized.

**Supporting Evidence**

Supporting evidence can include:

- The employer’s judgment that the function is essential.
- Written job descriptions prepared before a question about the duty arises.
- The amount of time spent on the job performing that function.
- The consequences of not performing the function.
- The terms of a collective bargaining agreement.
- The work experience of past incumbents in the job.
- The current work experience of incumbents in similar jobs.

**Remember that applicants and employees can challenge determinations of what are essential functions and related requirements.**

**Duties**

A **duty** is a specific task, activity, or example of a work process **that produces a product or result**. It describes what is being done. *The duty itself may not be an essential function, as the same result can be produced by several methods.*

## Duty Examples

- Greets and refers visitors to department.
- Prepares outgoing mail.
- Types letters.
- Develops surveys.

## Identifying Results and Duties

### Example 1:

- Helps customers by answering the phone.
- *Helps customers* is the *result*.
- *Answering the phone* is the *duty*.
- Formula = The result to be accomplished “by” the duties to be performed.

### Example 2:

- Recruiting quality candidates by placing advertisements in professional journals.

## Example Revisited

- Greets and refers visitors to the department by providing accurate, timely information.

## Duties Review Questions

- Does this duty produce the desired output or result?
- Should the duty be removed, modified, or replaced in order to produce the desired result?
- Are there other ways to perform the same duty and improve service to customers? Don't skip this step in a hurry to fill the position. In these times of reduced staffing, it is imperative that the duties of every position be reviewed periodically to assure they are still current, needed, and being performed in the most efficient manner that meets the customer's need.

## Additional Questions to Consider:

- How frequently is a result obtained, a duty performed, or a competency applied? This can be described in hours per day, week, month, or in a scale such as daily, weekly, monthly.
- What happens when this result, duty, or competency is not present?
- Is it essential, i.e., absolutely necessary that this result, duty, or competency be present, in order to have the job acceptably performed?
- Production of this result, application of this duty, or possession of this competency is associated with superior performance of the job.

## Competencies:

Competencies are *observable and measurable knowledge, abilities, skills, and behaviors that must be applied to achieve results aligned with the goals of the organization.*

- The focus should be on competencies that reflect superior performance.
- Competencies are identified by reviewing the essential functions and the duties performed and identifying knowledges, skills, abilities, or behaviors/characteristics required to perform them.
- Though expressed in general terms, competencies can be applied in different ways depending on the job class and the duties assigned the position. There are also levels to competencies.

Problem solving may mean one thing to an accounting clerk and something very different to a transportation engineer. Though competencies are generally expressed in fairly general terms, they can be further defined for the specific position by adding behavioral indicators and/or proficiency levels.

- A competency library can be found on the DAS-HRE webpage for workforce planning at:  
[http://das.hre.iowa.gov/pdfs/ClassPay/job\\_competencies.pdf](http://das.hre.iowa.gov/pdfs/ClassPay/job_competencies.pdf)

### Definition:

**Knowledge:** *An organized body of information that must be known to be able to perform the job duties and essential functions to produce the expected outputs/results.*

### Examples:

- Knowledge of the principles of financial management.
- Knowledge of information technology systems.

### Definition:

**Ability:** *The power to perform an activity at the present time.*

### Examples:

- The ability to add, subtract, multiply, and divide.
- The ability to read and understand complex written material.

### Definition:

**Skill:** *The proficient manual, verbal or mental manipulation of people, data, or things. This involves consistently demonstrating a pattern of behavior.*

### Examples:

- Typing skill at the rate of 40 wpm.
- Carpentry skill required to produce furniture and cabinets.

### Definition:

**Behavior/Characteristic:** *An attitude, aptitude, trait or personality factor, physical or other behavioral trait.*

### Examples:

- **Productive work attitudes:** Displays a high level of initiative, effort and commitment towards completing work efficiently; demonstrates responsible behavior.
- **Ethics:** Applying personal ethics, honesty, and responsibility on the job.
- **Flexibility:** Open to change and new information; adapts behavior or work methods to new information, changing conditions, or unexpected obstacles; deals effectively with ambiguity.
- **Leadership:** Influences, motivates, and challenges others; adapts leadership style to a variety of situations.
- **Stamina:** Performs repetitive tasks effectively over a long period of time.
- **Attention to detail:** Is thorough when performing work and conscientious about attending to detail.

**Behavioral Indicator:** *A task or action step describing how a competency is applied or demonstrated in the job.*

**Example: Problem Solving**

- Identifies and analyzes problems.
- Uses sound reasoning to arrive at conclusions.
- Finds alternative solutions to complex problems.
- Distinguishes between relevant and irrelevant information to make logical judgments.

**Proficiency Level:** *The degree of complexity, difficulty, scope, or independence required to apply a competency or behavioral indicator as needed in the job.*

**Example: Problem Solving:**

- **Advanced:** Uses logic to identify and solve critical and sensitive problems involving a major organization. Considers a large number of choices, competing viewpoints and alternatives. Solutions have a national, statewide, governmentwide, agencywide impact.
- **Intermediate:** Uses logic to identify and solve complex problems for a unit within an agency. Considers various choices, competing viewpoints and alternatives. Solutions affect a wide range of agency activities, work of other agencies or the public.
- **Basic:** Uses logic to identify and solve problems for a work unit. Considers well-defined choices, where there are a limited number of possible actions and the impact is limited to the immediate work unit.

## SUMMARY OF PROCEDURES FOR ESTABLISHING JOB REQUIREMENTS

### Step 1:

Identify the reason the position was established.

### Step 2:

Identify the result/outputs that are expected from this position.

### Step 3:

Identify the essential functions required to produce them.

### Step 4:

Identify the duties that are performed to produce them.

**Step 5:**

**Identify the competencies required to perform those duties. Where feasible and necessary, identify the behavioral indicators and proficiency levels of the competencies identified.**

**Step 6:**

**Identify those results/outputs, duties, and competencies that answer the following questions:**

- Will the purpose for this position being created be compromised if this result or output is not produced?  
**Yes/No** - If the answer is yes, the production of this output/result can be an essential function.
- Will the results/outputs in the “yes” group be produced if the duty is not performed?  
**Yes/No** - If the answer is no, the output/result cannot be produced, that duty can be an essential function if it clearly must be performed in the manner listed.
- Will the duty be performed if the applicant does not possess a competency related to performing that duty?  
**Yes/No** - If the answer is no, that competency must be possessed because the duty cannot be performed without it, that competency can be an essential function.

**The answers to these questions will identify the core of the position’s essential functions.**

**What should be done with the list of essential functions once it has been developed?**

1. The list of essential functions for the position must be included in the Position Description Questionnaire, as the form requires.
2. This list should be used as the basis for identification of the competencies that are required to perform the essential functions. **Competencies that are not related to essential functions should not be used to make decisions about applicants.**
3. The competencies required to perform essential functions should be reviewed to identify the most important competencies, those most likely to identify successful job performers.
4. These competencies should be the basis for:
  - The screening processes used to hire applicants.
  - The training plan that is developed for new hires.
  - The creation of an individual performance plan.
  - A workforce plan for the department or unit.

**This list must be given to applicants being interviewed in order for them to respond to the question, “Can you perform these essential functions with or without a reasonable accommodation.”**

**Identifying competencies required to perform essential functions:**

Most jobs require competencies in two areas related to producing essential functions. These are:

*General competencies* (These competencies are applicable to many jobs.) The sources that can be used in the identification of general competencies include:

- Previously developed competency lists for other positions.
- Standardized lists (Use of competency library found on the DAS-HRE workforce planning website.)
- Identification of competencies from similar jobs from the data in the automated *Human Resource Manager* system. (This is available to DAS-HRE and state managers and supervisors only.)

*Technical competencies* These competencies are those specialized areas of knowledge, ability, or skills that are acquired through formal education, training or experience on the job that provide the core technical base for performing the job.

**Examples:**

- Knowledge of civil engineering applied to highway construction.
- Skill in the use of laser-based surveying equipment.
- Knowledge of the principles of social work.
- Skill in the use of Microsoft Office personal computer tools.

**Identification of general competencies:**

Most jobs in state government require competencies from a common core group of competencies. Governor Vilsack has committed all employees of the Executive Branch to being focused on providing quality customer service. Previous focus group studies and surveys of state supervisors and employees have identified several base competencies that are related to performing most state jobs. These include customer service focus, appropriate attitudes about work, communication skills, and the ability to work in teams. Generally, these competencies are the last seven listed on class descriptions.

**Examples of “core” competencies that are required in most state jobs**

**Teamwork:**

- Works with others to achieve goals; encourages cooperation, pride, and trust, and team spirit.

**Customer Service:**

- Committed to providing quality service to customers.

**Communication:**

- *Oral communication* involving expressing information to individuals and groups effectively taking into account the audience and the nature of the information; listens and responds appropriately.
- *Written communication* involving the use of correct English grammar, punctuation, and spelling; communicating in a succinct and organized manner that produces written information.

**Appropriate work attitudes:**

- Displays high standards of ethical conduct. Exhibits honesty and integrity. Refrains from theft-related, dishonest or unethical behavior.
- Displays a high level of initiative, effort and commitment towards completing assignments efficiently. Works with minimal supervision. Demonstrates responsible behavior and attention to detail.
- Responds appropriately to supervision.

**Personal computer skills:**

- Skill in applying personal computer software including word processing, spreadsheets and databases.

**Arithmetic:**

- Ability to add, subtract, multiply and divide whole numbers, fractions, decimals, and percentages.

**Flexibility:**

- Open to change and new information and adapts behavior or work methods to changing conditions or unexpected obstacles.

**Problem solving:**

- Identifies problems, determines accuracy and relevance of information, uses sound judgment to generate alternatives and to make recommendations.

**Special Requirements:**

Special requirements that are specific to positions should be based primarily on technical competencies that are required to perform the essential functions required in that specific position.

**Example:**

A Certified Vocational Instructor position is being created to instruct residents in diesel mechanics. An essential function is constructing and delivering a diesel mechanics educational program in the classroom. A necessary special requirement for this position is certification as a vocational instructor in diesel mechanics by the Department of Education.

Development and documentation of selective requirements must follow the procedures on establishing qualification requirements contained in this manual.

## Public Information Officer Essential Functions

- Writing a variety of effective informational materials aimed at appropriate audiences ranging from elected officials, legislators, state executives and employees, to the general public.
- Using PC support tools and other technology-based applications in generating informational materials.
- Working effectively in a team-based environment.
- Developing and implementing a marketing program with a variety of interest groups, media, elected officials, legislators, stakeholders, advisory bodies, the general public, and impacted departments in order to produce an effective system.
- Integrating activities and special events into the department's public relations/communication and marketing program.
- Attending work regularly as required in order to meet information production deadlines.
- Applying a positive customer service attitude in operating the program.
- Communicating effectively to a variety of individuals and groups both verbally and in writing.
- Reading, understanding and appropriately applying a variety of complex technical material related to vocational rehabilitation and human resources service delivery.
- Producing work with few errors.
- Applying personal ethics, honesty, initiative, flexibility, and responsibility in creating an effective public relations/communication and marketing system.

## EXAMPLE

### PUBLIC INFORMATION OFFICER COMPETENCY LIST

- **Public Relations:** Ability to design, implement and coordinate the operation of an efficient, effective and proactive public relations/communications and marketing system.
- **Written Communications:** Ability to write detailed reports and informational materials that are appropriate and useful for disseminating information.
- **Technology:** Ability to use PC support tools and other technology-based applications.
- **Legislative Processes:** Ability to apply a knowledge of legislative processes, the organization strategic agenda, and communication skill in working effectively with the legislature.
- **Teamwork:** Skill in working effectively in a team-based environment.
- **Forming Cooperative Relationships:** Ability to coordinate the programs with a variety of interest groups, media, elected officials, stakeholders, advisory bodies, the general public, and impacted departments in order to produce an effective system.
- **Attendance:** Ability to attend work regularly as required to meet production deadlines.
- **General Communications:** Ability to communicate effectively to a variety of individuals and groups in English, both verbally and in writing.
- **Reading:** Ability to read, understand, and appropriately apply a variety of complex technical material including procedures, administrative rules, laws, and professional literature.
- **Quality of Work:** Ability to produce work with few errors.
- **Self-Direction:** Ability to maintain and increase knowledge areas related to the job, and apply that knowledge based on personal self-direction.
- **Positive Work Attitudes:** Ability to apply personal ethics, honesty, initiative, flexibility, and responsibility in producing quality work products.

## CHAPTER 5 ESTABLISHING PHYSICAL JOB REQUIREMENTS

### What are physical requirements?

Physical requirements include any requirement that establishes a physical, mental, or medical standard or qualification to perform a job.

### Why establish physical requirements?

Physical job requirements can be an important part of the overall requirements needed to perform essential functions and produce required job results.

### Cautions:

Physical requirements can also be quite controversial. In the past, many jurisdictions have been challenged for establishing physical requirements that had an adverse impact on applicants who were female or were persons with disabilities or other protected class individuals.

Jurisdictions challenged were not successful in defending their use of the physical requirements they established when they were not able to document that those requirements were job-related and a business necessity.

### Purpose for procedures:

To assist in establishing that the physical requirements are job-related, the following materials have been provided to:

- Serve as alternative processes for reviewing duties and essential functions for establishing job-related physical requirements.
- Provide a method to document that the physical requirements you are establishing are required to perform job duties that relate to essential functions and are justified as a business necessity.
- Provide a way to identify job-related requirements related to the physical activities performed. For example, using Section 4 on the Physical Requirements Record could provide documentation that the position requires frequent, heavy lifting of weights in the 50- to 74- pound range because they lift 50-pound sacks of bulk food.

When establishing physical requirements, it is important that the availability of alternative methods or equipment be considered. It may not be a necessary requirement to lift the 50-pound sacks if equipment is available to aid in the lifting.

## Instructions for Using the Physical Requirements Record

This form is provided as a means to document basic physical requirements for a job. First, complete the information in the blanks at the top of the page.

**Section 1** can be used to provide a brief description of the position. This can also be accomplished by attaching the form to a current Position Description Questionnaire.

**Section 2** is a record of the amount of time spent in each activity during a day and frequency of the activity during the day.

**Section 3** provides a space for recording the type of walking surface encountered in the position.

**Section 4** requires checking the appropriate box for each activity listed based on the percentage of time it requires in a workday. It also has a space for inserting the maximum continuous time that activity would be continued. A space for identifying the heaviest item pushed or pulled requires an estimate of the amount of force required to move it.

**Section 5** requires checking the appropriate box for the frequency of lifting each amount of weight. It also provides a space for describing the items lifted and the surface on which the individual in the position would be standing.

**Section 6** requires checking the appropriate box for the frequency with which the employee carries an amount of weight. This section also has space for describing the walking surface, the maximum distance carried, and the items carried.

**Section 7** asks for checking yes/no boxes indicating which feet are used for making repetitive motions. It also provides for a description of the equipment operated.

**Section 8** asks for checking yes/no boxes for using hands/arms for making various repetitive actions. It also provides for a description of the activities involved.

**Section 9** asks for checking a yes/no box regarding five job requirement statements and provides for an opportunity to make comments.

**Section 10** provides space for describing special clothing or equipment worn on the job.

**Section 11** asks for description of tools used on the job.

**Section 12** provides a space for listing other pertinent information not covered in the previous sections.

**PHYSICAL REQUIREMENTS RECORD****Person Recording:** \_\_\_\_\_ **Date:** \_\_\_\_\_**Location:** \_\_\_\_\_**Job Title:** \_\_\_\_\_**Work Hours of Job:** \_\_\_\_\_**Overtime:** ☐ No ☐ Yes If Yes: ☐ Frequent ☐ Infrequent**Section 1.** Provide written description of job:

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**Section 2.** In an 8-hour workday, employee must:

- |          | <i>(circle appropriate choice)</i> | <i>(circle appropriate choice)</i>   |
|----------|------------------------------------|--------------------------------------|
| a. Sit   | 1 2 3 4 5 6 7 8 hours              | continuously • intermittently • both |
| b. Stand | 1 2 3 4 5 6 7 8 hours              | continuously • intermittently • both |
| c. Walk  | 1 2 3 4 5 6 7 8 hours              | continuously • intermittently • both |

**Section 3.** Walking surface:

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**Section 4.** Employee's job requires that he/she:

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	<b>Never</b>	<b>0-33% of workday Occasionally</b>	<b>34-66% of workday Frequently</b>	<b>67-100% of workday Constantly</b>	<b>Maximum Continuous Time</b>
a. Bend/stoop					
b. Squat					
c. Crawl					
d. Climb ____ft. high on _____					
e. Reach ____ft. above shoulder level					
f. Crouch					
g. Kneel					
h. Balance					
i. Push/Pull					

**Heaviest item pushed/pulled:**

Force Required: ☐ Maximum ☐ Moderate ☐ Minimal

**Section 5. Employee's job requires he/she lift:**

	<b>Never</b>	<b>Occasionally</b>	<b>Frequently</b>	<b>Constantly</b>
a. Up to 10 lbs.				
b. 10 to 24 lbs.				
c. 25 to 34 lbs.				
d. 35 to 49 lbs.				
e. 50 to 74 lbs.				
f. 75 to 100 lbs.				

Items lifted: \_\_\_\_\_

Surface standing on: \_\_\_\_\_

Section 6. Employee's job requires he/she carry:

	Never	Occasionally	Frequently	Constantly
a. Up to 10 lbs.				
b. 10 to 24 lbs.				
c. 25 to 34 lbs.				
d. 35 to 49 lbs.				
e. 50 to 74 lbs.				
f. 75 to 100 lbs.				

Walking surface: \_\_\_\_\_

Maximum distance: \_\_\_\_\_

Items carried: \_\_\_\_\_

Section 7. Job requires employee to use feet for repetitive movements, as in operating foot controls:

<u>Right</u>	<u>Left</u>	<u>Both</u>
Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Equipment operated: \_\_\_\_\_

Section 8. Job requires employee to use hand(s) / arm(s) for repetitive action such as:

	<u>Firm</u> <u>Handling</u>	<u>Firm</u> <u>Grasping</u>	<u>Repetitive</u> <u>Grasping</u>	<u>Fine</u> <u>Fingering</u>
a. Right	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
b. Left	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
c. Bilateral	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Activities requiring grasping/handling/fingering:

\_\_\_\_\_

\_\_\_\_\_

## Section 9. Employee's job requires:

		Yes	No	Comments
a.	Working on unprotected heights			
b.	Being around moving machinery			
c.	Exposure to marked changes in temperature and humidity			
d.	Driving automotive equipment			
e.	Exposure to dust, fumes and gases			

## Section 10. Special clothing/equipment worn:

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## Section 11. Tools used:

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## Section 12. Other pertinent information:

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## DEFINITIONS

**Continual Work:** A workload requiring the exertion of a muscular force that is frequently repeated with little or no time between efforts.

**Continuous Work:** A workload requiring the exertion of a muscular force that is sustained and uninterrupted. In dynamic work, it is the sustained pattern of work without rest or light effort breaks. Continuous work, especially when the work is demanding, results in earlier fatigue and less productivity than does intermittent work.

**Cycle:** A time interval during which a regularly recurring sequence of events is completed. It can be the time to complete a task with many elements or the time to complete a single operation in a repetitive task.

**Cycle Time:** Time needed to complete the task.

**Cylindrical Grip:** The contact of the hand with an object where the palm and fingers hold the object securely and the angle and curl of the fingers is similar. The thumb is not essential for a cylindrical grip.

**Dynamic Muscle Work:** Muscle contraction where muscle length changes during activity, resulting in motion of a joint. Most handling and assembly tasks are dynamic.

**Frequency of Lifting:** Number of lifts made per minute or other short time period. It should be related to the distribution of rest or recovery periods in order to determine the intensity of the workload.

**Fundamental Cycles:** A work cycle that has a sequence of steps or elements that repeat themselves within the cycle.

**Handling:** Lifting, lowering, conveying, pushing, pulling, or sliding an object in order to move it from one place to another.

**Intermittent Work:** Physical effort (usually moderately to highly demanding) that is interrupted regularly by short rest or light work periods lasting a few seconds to a few minutes. These rest periods permit the muscles to replenish their oxygen and energy stores and to reduce their accumulation of lactic acid compared to that measured with continuous work.

**Job Demands:** The physiological, psychological, and perceptual requirements of a job that determine the suitability of a given workload for the potential work force.

**Light Assembly Task:** Work with low energy expenditure that is often performed in a seated position. Muscles of the arms, hands, and shoulders are usually most actively involved in these tasks, and the repetitiveness of the work can be high.

**Material Handling:** The movement of parts, raw supplies, chemicals, subassemblies, finished products, or other materials between sections of the manufacturing system or through distribution systems to the customer or client. The movement may be done by hand, as in lifting cases and pushing hand trucks and carts, or with automated equipment or aides, as in using forklift trucks, storage and retrieval systems, or conveyers.

**Maximum Voluntary Contraction:** The largest force that can be developed by a muscle or muscle group under a given set of conditions. Joint angle, available muscles, degree of work or motivation, and duration of holding all determine the maximum of voluntary contraction strength.

**Moderate Effort:** Physical work that can be sustained for about two hours without a major work break; also handling of objects weighing up to 40 lbs. and the application of forces up to 50 lbs. for short periods.

**Pinch:** Applying pressure between the thumb and the ends of the fingers or the side of the hand (lateral pinch). This grip does not involve the palm of the hand.

**Recover Time:** Work periods when task demands are light or when rest breaks are scheduled, permitting a person to recover from heavy effort work or exposure to an environmental extreme, such as high temperatures.

**Repetition (High):** Jobs which have a cycle time of less than 30 seconds or exceed 50% of the fundamental cycle time.

**Repetition (Low):** Jobs that have a cycle time of greater than 30 seconds or is less than 50% of the fundamental cycle time.

**Short Duration Heavy Effort:** A period of less than 20 minutes duration when very demanding physical effort work is done. This effort level often requires more than 70% of a person's maximum or aerobic capacity.

**Static Muscle Work:** Muscle contraction that produces a force that is developed without significantly changing the length of the muscle fibers. Examples would be maintaining a posture or holding onto an object without moving the object.

**Timed Activity Analysis:** A technique for identifying the patterns of work on a job, especially in analyzing the distribution of physically demanding activities in relation to recovery periods. It is used to identify potentially fatiguing job tasks and the impacts of external pacing on the worker.

**Whole Body Work:** Using most of the body's muscles to accomplish a task. The large muscles of the legs and buttocks as well as the muscles of the trunk, arms, and shoulders are involved. Work that is located less than 30" above the floor requires whole-body effort.

**Work/Rest Cycles:** The job pattern that defines how more demanding work is organized with respect to light tasks or rest. High work/rest ratios, measured as continuous time on each type of activity, have higher potential for fatigue.

**Work Station:** A work place that is included in a production system or on a piece of manufacturing equipment, at which the operator may spend only a portion of the working shift. One operator may work at several workstations, but may have only one place for other types of work. Both the workstation and work place should be designed according to ergonomic principles, but work place design is more critical because of the amount of time spent there per shift.

## JOB DEMANDS SURVEY

**Job Title:** \_\_\_\_\_

**Work Location:** \_\_\_\_\_

**Employee:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Months/years you have performed or supervised the job:** \_\_\_\_\_

This form is used to collect information required to identify physical demands of the job. Consider each physical requirement listed on the next page and decide if it applies to the job. For the items that do apply, fill in the columns to describe the criticality, frequency, duration, and intensity (if applicable) of the item in relation to the job. Add items at the bottom if necessary.

Most job activities are complex and variable. When completing this form, please consider the MOST DIFFICULT tasks when deciding which number to choose for each column.

**Criticality** - How important is the item to the completion of the assigned tasks?

- 1 = Of little or no relevance
- 2 = Desirable, but not required
- 3 = Important
- 4 = Very important, job can't be done without it

**Frequency** - How often does the job require the employee to demonstrate the physical demands?

- 1 = Rarely, less than 5% of the time
- 2 = Occasionally, up to 20% of the time
- 3 = Regularly, up to 50% of the time
- 4 = Sustained, over 50% of the time

**Duration** - How long is the item performed continuously each time it is done?

- 1 = 3 minutes or less
- 2 = 10 minutes or less
- 3 = 1 hour or less
- 4 = Longer than 1 hour

**Intensity** - Provide the requested information.

#	Item	Criticality	Frequency	Duration	Intensity
	Awkward position				-----
	Balancing				-----
	Carrying				Max distance = Max weight =
	Climbing				Stairs Ladder
	Crawling				-----
	Crouching				-----
	Driving				-----
	Feeling/touching				-----
	Filing				-----
	Fingering				-----
	Handling				-----
	Holding				-----
	Jumping				Max height = Max distance =
	Kneeling				-----
	Lifting				Max weight =
	Pulling				Max weight =
	Pushing				Max weight =
	Reaching				-----
	Running				Surface = Distance =
	Sitting				-----
	Squatting				-----
	Standing				-----
	Stooping/Bending				-----
	Throwing				Max weight =
	Turning				-----
	Twisting				-----
	Walking				Surface = Distance =

**“CRITICAL PHYSICAL DEMANDS”:** Physical demands are defined as the physical capacity requirements made of the worker by the specific job-worker (task) situation.

**The physical demands may include:**

- Lifting:** Raising or lowering an object from one level to another, usually grasping an object with the hands.  
Describe intensity (weight handled, position/posture of worker’s body and workplace aids available). Duration (total time spent by the worker carrying out this activity). Frequency (number of repetitions per unit time).
- Carrying:** Transporting an object using hands/arms or shoulders.
- Pushing:** Exerting force on an object so that the force is directed away from the individual.
- Pulling:** Exerting force on an object so that the force is directed toward the person.  
Describe in terms of horizontal force, weights, distance traveled, duration, and surface type.
- Standing:** Remaining on one’s feet in an upright position at a workstation. If no movement occurs, describe as static stance. If movement occurs, dynamic stance.
- Walking:** Moving about on foot.  
Describe in terms of distance, duration, frequency, speed, and surfaces.
- Sitting:** Remaining in normal seated position.  
Describe in terms of duration, chair type, and postures. \*If primarily a seated job analysis, please refer to VDT job analysis form.
- Climbing:** Ascending or descending ladders, stairs, ramps, poles, scaffolding, etc., using feet and legs with or without hands and arms.  
Describe in terms of duration, distance traveled, heights required, steepness of incline, type of structure climbed (handholds available), and frequency.
- Balance:** Maintaining body equilibrium to prevent falling while walking, standing, crouching, reaching, etc., on different types of surfaces.  
Describe in terms of surface and activity to be performed in addition to frequency.
- Stooping:** Bending the body forward by bending spine at the waist.  
Describe in terms of duration, and degree of stoop, and type of activity performed.

<b>Kneeling:</b>	Bending leg at the knees in order to rest on the knee or knees. <u>Describe in terms of duration and posture.</u>
<b>Crouching: (Squatting)</b>	Bending body downward and forward from a standing position by bending the legs and spine. <u>Describe in terms of duration, frequency, and activity performed.</u>
<b>Crawling:</b>	Moving about on hands and knees, or hands and feet. <u>Describe in terms of distance, duration, and surface.</u>
<b>Twisting:</b>	Turning the body partially around from a stationary position (base) such as sitting, standing, kneeling, reclining, or stooping. <u>Describe in terms of duration, angle, frequency, and body part.</u>
<b>Reaching:</b>	Extending hand and/or arms in any direction. <u>Describe in terms of distance from body, direction, repetition, rate, and duration.</u>
<b>Handling:</b>	Seizing, holding, grasping, turning or otherwise working with the hands. The fingers are involved in the work only to the extent that they are in extension of the hand. <u>Describe in terms of type of activity, duration, forces required weights and repetitions.</u>
<b>Fingering:</b>	Picking, pinching, or otherwise working primarily with the fingers rather than the whole hand or arm. <u>Describe in terms of activity or objects used, size and weight of object, force required, duration and repetition rate.</u>
<b>Grasp:</b>	Touching or gripping an object with the hand. <u>Describe in terms of force required, grip type, duration, repetition rate, and posture.</u>

<b>Throwing:</b>	Propelling an object through the air by a swinging motion of either or both hands and arms. <u>Describe in terms of distance traveled, beginning and end of the movement.</u>
<b>Feeling:</b>	Perceiving attributes of objects such as size, shape, temperature, or texture by touching with the skin particularly that of finger tips. <u>Describe in terms of visual occluded requirements.</u>
<b>Talking/ Communicating:</b>	Expressing or exchanging ideas. <u>Define in terms of necessity to convey information through spoken or written communication.</u>
<b>Hearing:</b>	Perceiving the nature of sounds. <u>Describe in terms of distance required to hear a normal speaking voice, other safety devices needed to hear, etc.</u>
<b>Tasting/ Smelling:</b>	Distinguishing with a degree of accuracy difference or similarities in intensity or quality of flavors and/or odors or recognizing particular flavors and/or odors using the tongue and/or nose. <u>Describe in terms of object being smelled.</u>
<b>Seeing:</b>	Perceiving the nature of objects by sight. <u>Describe in terms of:</u> far vision (clarity of vision at 20 feet or more) near vision (clarity of vision at 20 inches or less) mid-range vision (clarity of vision at distances of more than 20 inches and less than 20 feet) depth perception (the ability to judge distance and space relationships, so as to see objects where and as they actually are) visual accommodation (adjustment of lens of eye to bring an object into sharp focus, especially important when doing near point work at varying distances from eye). <u>Define in terms of duration and activity performed.</u> color vision (ability to identify and distinguish colors). <u>Define in terms of activities performed.</u> field of vision (observing an area that can be seen up and down or to right or left while eyes are fixed on a given point). <u>Define in terms of activities completed.</u>

## CHAPTER 6 ESTABLISHING A SCREENING PLAN

### What is a screening plan?

A screening plan is a plan established to determine how you will identify applicants with the required competencies who will be the most likely to succeed on the job and produce the results required. It should identify the methods you will use to screen candidates, and it should include a timeline that will be used to make the hire.

### Why develop a screening plan?

Supervisors have several options that can be used to identify applicants most likely to succeed. The options to be used and the number of options applied in any given situation should be determined before the process starts. Each option will require time and resources to develop and administer. Each supervisor will be in the best position to determine how soon the position must be filled and how much time and effort can be spent in identifying the best candidates.

These decisions can also be affected by the number of applicants who are available. If small numbers of candidates are available, it may not be advisable or necessary to have applicants complete several screening processes.

In general, the more job-related, reliable, and predictive information a supervisor has about an applicant, the more likely it is that a quality decision about whom to employ will be made. A screening plan will allow the supervisor to realistically assess the amount of time required to complete a hiring process. It will also allow for more efficient coordination of all of the steps and individuals involved at various stages of the total process.

### Plan content should include steps such as:

1. When advertisements or other process steps such as internal posting for transfers will be done and when closing dates will occur.
2. Identification of who is responsible for each step in the process.
3. Due or expected completion dates for each step.
4. Identification of what the methods for selection will be, when they will be administered, and when they will be completed.
5. Planned dates for interviews and when they will be completed.
6. Composition of interview panel, including names and job titles of each interviewer.
7. Estimated date that an offer will be made.
8. Estimated date of hire.
9. Estimated date of start.

Other, more specific steps can be included. The example provided on the next page is a very detailed plan. Each supervisor must decide the appropriate amount of detail depending on the circumstances of the hiring situation. The more detailed a plan is, the more time it takes to develop, but a more detailed plan often means that steps are not overlooked and the entire process is often more efficient.

**EXAMPLE****DEPARTMENT DIRECTOR  
SELECTION PROCESS TIME LINES**

Action Step	Resp. Party	Due Date	Completed
1. Determine hire date, members of final interview committee, establish selection budget	Governor's Office	4/4	
2. Identify DAS-HRE staff to work on project and clarify responsibilities	Director	4/7	
3. Draft announcement	Sel. Team	4/9	
4. Draft position description	Don/Kay	4/9	
5. Draft applicant disclosure and consent form	Don	4/10	
6. Identify recruitment sources	Sel. Team	4/11	
7. Finalize announcement	Sel. Team	4/11	
8. Place announcement in AA Reg.	Grace	4/11	
9. Draft applicant questionnaire	Don/Kay	4/11	
10. Finalize applicant disclosure and consent form	Don	4/11	
11. Announcement appears in AA Register and Internet Site	AA Register	4/15	
12. Fax announcement to 50 state directors	Grace	4/14	
13. Finalize applicant questionnaire	Don/Kay	4/14	
14. Respond to requests for application materials (applicant questionnaire, disclosure form, informational materials)	Grace	4/14	ongoing until 5/9
15. Receive, log in, and copy resumes and questionnaire	Grace	Same date as above	
16. Announcement sent to ACA	Mailing Service	4/15	
17. Finalize position description	Don, Kay	4/15	
18. Establish questionnaire-screening committee. Determine need for additional DAS-HRE staff	Director	4/15	
19. Establish questionnaire screening criteria	Kay	4/17	
20. Draft evaluation instrument for applicant questionnaire	Don/Kay	4/18	
21. Distribute evaluation instrument for input	Don/Kay	4/21	
22. Receive input and approval of evaluation instrument and finalize	Don/Kay	4/24	
23. Draft Reference questions	Don/Mark	4/24	
24. Establish time frames	Sel. Team	4/25	
25. Identify dates when final interview committee available	Kay	4/25	
26. Set up master account with local hotel for rooms and meals	Lyle	4/25	
27. Obtain DRF approval for master acct.	Lyle	4/25	
28. Begin reference checks	Mark	4/28	
29. Organize and train questionnaire screening comm.	Sel. Team	4/29	

Action Step	Resp. Party	Due Date	Completed
30. Maintain records for review results	Sel. Team	4/29 thru 5/14	
31. Hold Screening sessions	Screen Comm.	5/14	
32. Notify applicants with late and incomplete applications that they are not being considered	Sel. Team	5/14	
33. Conduct background checks on final applicants	Don	5/14	
34. Draft recommended interview questions	Don/Key	5/16	
35. Prepare background materials for the final candidates, locations, budget, hotel info, directions, etc.	Grace	5/16	
36. Notify final interview committee of location and dates of interviews	Kay/Grace	5/16	
37. Send packet of applicant information (files of final applicants. Results of reference checks, interview schedule, guidance for interviewing, record keeping	Barb, Marilyn	5/16	
38. Contact final applicants and set up interview times	Grace	5/16	
39. Arrange for hotel reservations	Grace	5/16	
40. Receive input and finalize interview questions	Don/Kay	5/23	
41. Check on Governor's availability to interview final candidates	Lyle		
42. Summarize results of background checks and send to interview committee	Don		
43. Interview candidates (+ possible tour of DM)	Int. committee	Last week of May	
44. Governor interviews final candidates	Governor's Office	First week of June	
45. Final Selection Decision (Get written acceptance)	Governor	First week of June	
46. Notify candidates not selected	Governor's Office	First week of June	
47. Announce selection to media	Governor's Office	Second week of June	
48. New Director starts		7/1	
49. Provide final hiring assistance (Make sure all payroll aspects are accurate and timely.)	Sel. Team + other DAS-HRE Staff	7/1	

## CHAPTER 7 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

All employees are entitled to a workplace free of discrimination. The Executive Branch of Iowa state government provides equal access to all employees and applicants. Executive branch agencies shall not discriminate against any person because of race, creed, color, religion, sex, national origin, age, or physical or mental disability. It is also the policy of Iowa state government to practice Equal Employment Opportunity and apply affirmative action measures whenever those measures are appropriate.

The roles of Equal Employment Opportunity and Affirmative Action as they apply to hiring in the public sector need to be understood by supervisors. Supervisors need to be familiar with the definitions provided below in order to distinguish the role of one from the other. They also need to be familiar with their department's affirmative action plan and the degree to which their workforce is balanced for Females, Minorities, and Persons with Disabilities. They can find that information on the DAS-HRE website at:

[http://das.hre.iowa.gov/pdfs/AEEO/affirmative\\_action\\_report.pdf](http://das.hre.iowa.gov/pdfs/AEEO/affirmative_action_report.pdf)

The term “balanced” means that Females, Minorities, and Persons with Disabilities are represented in their workforce in the same ratio or higher than they are in the relevant labor force. If they are not, they are said to be “underutilized” for that particular protected group in that particular occupational area. Underutilization for Persons with Disabilities is determined by the overall agency workforce rather than occupational area in order to protect the privacy of those self-disclosing that they are a person with a disability. Affirmative Action hiring, or using race and sex as factors in the selection process, is only legal where there is statistically significant underutilization. Lacking a significant underutilization or “manifest imbalance,” as described by the U.S. Supreme Court, only non-intrusive affirmative action measures (non-hiring) can be taken. The supervisor needs to be aware whether the job class is underutilized before starting the hiring process, so that targeted recruitment of qualified candidates within the underutilized groups can be undertaken, if necessary.

### Definitions

**Equal Employment Opportunity** means that everyone has an equal access to employment opportunities regardless of their race, creed, color, religion, sex, national origin or disability. Federal and state law prohibits discrimination in employment. This prohibition applies to all areas of employment, including hiring, training, promotions, job assignments, benefits, discipline, discharge and terms and conditions of employment.

**Affirmative Action** involves taking positive, proactive steps to ensure equitable representation of minorities, women and persons with disabilities at all levels of the organization. It specifically deals with correcting the effects of past discrimination and is limited to traditionally underutilized groups, i.e., racial/ethnic minorities, women, and persons with disabilities.

Affirmative Action includes aggressive recruiting efforts to find qualified applicants in those protected groups. It also involves plans to remedy underrepresentation of those protected groups in the workplace, as well as training and assistance to ensure that women, minorities and persons with disabilities can compete fairly for promotional opportunities.

## DISCRIMINATION

Any employee or applicant has the right to file a complaint of employment discrimination. The Equal Employment Opportunity Commission and the Iowa Civil Rights Commission will consider all discrimination complaints on their merits. However, a finding of discrimination will likely come from a complaint in which the facts conform to one or more of the following principles:

**Disparate Treatment** is different treatment based on race, sex, color, religion, age, creed, physical or mental disability, or national origin. For example, a minority employee receives harsher discipline than a non-minority employee for the same infraction of a work rule.

**Adverse Impact** occurs when the employer makes decisions based upon factors that are not job-related and that have a statistically disproportionate effect on certain groups of people. For example, in requesting a job transfer to a security guard position, a woman employee finds that the agency stipulates that candidates must be at least five-foot-nine and 155 pounds to qualify. Such a stipulation would have a disproportionately negative effect on women, certain Asian groups, and possibly Latinos. If the agency could not prove the job-related connection between such height and weight requirements and successful performance in the position, this practice could be found to be discriminatory and illegal.

**Perpetuating Past Discrimination** occurs when an employer's current practices, though on the surface seemingly non-discriminatory, when viewed in the context of past discriminatory practices, may have a discriminatory effect. For example, a company finds all its new employees through its employee referral program. Such a policy would not seem to be discriminatory unless the company's current workforce is all white due to discriminatory hiring in the past. Referrals from an all-white workforce are likely to yield an all-white stream of applicants.

**Lack of Reasonable Accommodation** occurs when employers do not actively seek reasonable solutions to problems that represent obstacles to employability because of a person's religion or disability. Discrimination may be found in cases where the employer refuses to make an attempt at finding a reasonable solution. For example, a person applying for promotion to a salaried position states that his/her religious beliefs would require leaving work early four times a year. In all probability, the employer could solve this problem by asking the employee to make up the time on other days during the year. This would be a reasonable accommodation. If the employer refused to hire the person because "you are unable to meet our work schedule," a finding of religious discrimination would be a possibility. (Note: The word "reasonable" is difficult to define and may depend on such factors as costs, safety, productivity requirements, and collective bargaining agreements).

**Retaliation** In processing a charge involving an allegation of retaliation, there are three essential elements: 1) protected activity - opposition to discrimination or participation in the statutory complaint process; 2) adverse action and 3) causal connection between the protected activity and the adverse action.

## The Laws

### FEDERAL LAWS ENFORCED BY THE EEOC

**The Equal Employment Opportunity Commission (EEOC)** is a federal government agency that investigates complaints filed by persons who feel they are victims of employment discrimination. The EEOC has jurisdiction over all complaints filed under the following four laws:

**The Equal Pay Act of 1963** prohibits differences in pay between men and women who are performing substantially similar work under substantially similar conditions.

**Title VII of the Civil Rights Act of 1964** prohibits discrimination based on race, sex, color, religion, and national origin by employers of 15 or more persons. Coverage includes all aspects of employment, such as hiring, placement, training, promotion, termination, and layoff.

**The Age Discrimination in Employment Act of 1967** prohibits discrimination based upon age against individuals who are 40 years of age or older. (Note that the Act does allow a company to impose age limitations for apprenticeship training programs.)

**The Americans with Disabilities Act of 1990** is designed to provide a comprehensive mandate to end discrimination against individuals with disabilities and to bring such persons into the economic and social mainstream of American life. Title I of the ADA provides that an employer may not discriminate against any qualified individual with a disability in regard to any term, condition or privilege of employment.

### FEDERAL AFFIRMATIVE ACTION REQUIREMENTS

The United States government requires that organizations engaged in federal contracts and/or subcontracts must agree to do more than observe the EEO laws listed above. These additional efforts are formally specified in Affirmative Action plans and are audited periodically by the Office of Federal Contract Compliance Programs (OFCCP), a branch of the U.S. Department of Labor.

### For Minorities and Women

**Executive Order 11246**, issued by President Johnson in 1965, requires contracting entities to take positive steps (Affirmative Action) toward eliminating the present and future effects of past discrimination against women and minorities. Contractors must have written plans on file at each facility detailing the facility's current representation of minorities and women at each level and projecting goals and timetables for change wherever those current levels are considered low.

## **For Persons with Disabilities**

**The Rehabilitation Act of 1973** prohibits organizations doing business with the government from discriminating against qualified persons because of a disability or history of disability. Further, organizations must agree to actively seek to provide employment opportunities for qualified individuals who are disabled. Although there are no requirements for goals and timetables, organizations frequently fulfill their obligations by participating in special outreach and/or upgrading programs for persons with disabilities, and by making physical modifications to offices and plants to provide better access for persons with disabilities.

## **For Vietnam and Disabled Veterans**

**The Vietnam Era Veterans Readjustment Assistance Act of 1974** requires that organizations doing business with the government give special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam Era by posting job openings with the state employment service as the first source of outside recruitment.

## **STATE EQUAL EMPLOYMENT OPPORTUNITY LAW**

The Iowa Civil Rights Commission (ICRC) is the state department that investigates complaints filed by persons who feel that they are victims of employment discrimination. The Commission has jurisdiction over all complaints filed under the Iowa Civil Rights Act of 1965 (Chapter 601A.6). This law prohibits employment discrimination based on race, sex, color, age, religion, mental or physical disability, national origin, and creed by employers of four or more persons. Coverage includes all aspects of employment such as hiring, promotion, discharge, benefits, pay, training, and layoff.

## **STATE AFFIRMATIVE ACTION REQUIREMENTS**

The Iowa Legislature passed Chapter 19B (Equal Opportunity and Affirmative Action) in 1986. Chapter 19B requires state government to apply affirmative action in personnel management functions.

**Iowa Code Chapter 19B.1** “Affirmative Action” means action appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity.

**Iowa Code Chapter 19B.2** Equal Opportunity in State Employment – Affirmative Action. It is the policy of this state to provide equal opportunity in state employment to all persons. An individual shall not be denied equal access to state employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. It also is the policy of this state to apply affirmative action measures to correct deficiencies in the state employment system where those remedies are appropriate. This policy shall be construed broadly to effectuate its purpose.

**What can an employee do if they feel that they have been discriminated against?**

The State of Iowa Equal Opportunity, Affirmative Action, and Anti-Discrimination Policy, [http://das.hre.iowa.gov/rfts/MS\\_manual/02-40.htm](http://das.hre.iowa.gov/rfts/MS_manual/02-40.htm), outlines the grievance procedure for persons who feel they have been discriminated against or have been subject to harassment.

Such persons are encouraged to file a complaint with the responsible department (pursuant to the department's grievance procedure). They may also file a complaint with the Iowa Civil Rights Commission or the appropriate federal enforcement agency.

**More information**

For more information about Equal Employment Opportunity and Affirmative Action programs in the Executive Branch of Iowa State government, contact the DAS-HRE State Diversity Coordinator at (515) 281-5607 or consult the DAS-HRE website at:

[http://das.hre.iowa.gov/aa\\_eeo.html](http://das.hre.iowa.gov/aa_eeo.html)

## CHAPTER 8 PROVIDING SCREENING PROCESS ACCOMMODATIONS

### **What are they?**

Screening process accommodations are adjustments to the content or the methods for administering screening instruments to persons with disabilities. They are intended to provide those persons with a fair means of assessing their competencies when a method used prevents an accurate assessment.

### **Why provide accommodations?**

They are legally required to be considered. In today's job market, with the limited numbers of skilled applicants often available, it does not make good business sense to use screening methods that would prevent the identification of applicants likely to succeed because they possess characteristics not actually related to performance on the job.

### **Screening accommodation policy content:**

The attached policies are provided as guidance to be used in making decisions about accommodating persons with a disability in applying screening processes to applicants. These policies have most often been applied to use of written tests, but must also be applied when other screening processes are used.

## SCREENING ACCOMMODATION POLICY FOR PERSONS WITH DISABILITIES

### I. OVERVIEW

All departments are responsible for administering fair screening processes for the purpose of screening applicants.

In some instances, applicants are unable to participate in a screening process because of a disability that prevents accurate measurement of the applicant's knowledge, ability, skill, or personal characteristics required to perform the essential functions of a job. The following policy provides for accommodations in the screening process for persons with a disability who wish to be considered for employment with the State of Iowa.

The steps involved in allowing accommodations include the following:

1. A request for accommodation must be received before an applicant is scheduled for screening. This request should be submitted two weeks in advance. Requests may be made by the applicant by:
  - Calling the department screening for the specific position to request an accommodation.
  - Submitting a written statement with the application briefly describing the type of accommodation necessary or just asking that an accommodation be made.
  - Submitting a written request for accommodation directly to the employing department without an accompanying application.
2. The employing department will review and rule on all requests for accommodations. When necessary, other sources such as medical, vocational, or counseling professionals may be consulted.
3. The decision on whether or not to allow the accommodations will be based on the following:
  - The nature and severity of the disability.
  - The type of examination being administered.
  - The relationship of the disability to the type of examination and the knowledge, ability, skill, or personal characteristic being screened.
  - The resource capabilities of the department.

## II. GENERAL POLICY

It is the policy of the State of Iowa to treat persons with disabilities in the same manner as it treats those without disabilities, to the extent possible. However, when an applicant's disability may reduce the opportunity to demonstrate knowledge, abilities, skills, and personal characteristics necessary to perform the essential functions of the job, and the applicant requests special screening system participation assistance, departments are required to make reasonable accommodations. Accommodations, which would impose an undue hardship on the department's programs, are not considered reasonable. Accommodating the needs of the applicant while maintaining the validity, fairness, and competitive nature of the selection process are the primary concern.

- The appropriate examination accommodation allowed will be that which is normally used by, or available to the applicant, can reasonably be used by the applicant, allows accurate screening of the applicant's knowledge, abilities, skill, and personal characteristics, and does not create an undue hardship on the department.
- Appropriate accommodations should be made in the way material is presented to the applicant to allow equitable screening for the necessary knowledge, abilities, and skills. See the following sections on specific accommodations for more information.
- Appropriate accommodations should be made in the time limits of an examination or screening exercise if those limits may adversely impact an applicant with a disability:
  - 1 1/2 times regularly allowed time will be used unless other adjustments are justified.
  - Maximum time including breaks for any one-day will be 8 hours.
  - For times exceeding 3 hours, applicant may break for 10 minutes every 2 hours and have a lunch break when appropriate.
  - Time limits may not be extended for examinations that require completion in a specified period as part of the measure of the applicant. If the validity of the examination will not be jeopardized, those parts may be eliminated. If the entire examination is speeded, the applicant may consider enrolling in the Certified Disabilities Program or requesting a waiver of the examination from DAS-HRE.
- Applicants using a reader, marker, interpreter, or audio equipment may be assigned to a separate room to avoid disrupting other applicants.
- Applicants with guide dogs will be allowed breaks as necessary to provide for the physical needs of their dog.
- Undue hardship on the programs of the department involved will consider:
  - The need to purchase or rent specialized equipment or services for one time or limited use by few applicants (includes such things as the transcription of a written test or exercise into Braille).
  - The need to postpone announcing or conducting an examination to accommodate the needs of an applicant with a disability. This does not, however, prevent scheduling testing sessions separate from the regularly scheduled examinations or other group-administered processes.
- Applicants with multiple disabilities may request any combination of accommodations.
- Decisions regarding what, if any, accommodations to allow will be decided by the department involved based on information provided by the applicant and other pertinent sources.

### III. PROCESSING REQUESTS FOR ACCOMMODATIONS

It is the responsibility of the applicant to request special accommodations. The request may be initiated by telephoning or by mailing a request for accommodation directly to an employing department for position-specific screening processes.

Requests for accommodations must be received a minimum of two weeks before tests are to be taken. In circumstances where accommodations are extensive or require more lead time, the actual date of scheduled testing may require adjustment to allow for finalization of accommodations. Closing dates of general announcements or issuance of requested lists of qualified applicants will not normally be adjusted or delayed.

The department involved will make a decision as to appropriate accommodations. This review may require direct contact with the applicant during which the nature and mechanics of the examination and the need for specific accommodations will be examined. If modification of the exam content is necessary, others may be consulted.

It may be necessary to contact appropriate persons such as medical, vocational, or counseling professionals in order to determine appropriate accommodations for requesting persons. In some instances, the applicant may be requested to submit medical verification of his/her disability.

#### SPECIFIC ACCOMMODATIONS

The following categories are intended to represent the needs of persons with various disabilities. The accommodations listed here are options that may be considered, depending on the specific circumstances involved. Any or all of them can be either approved or disapproved as appropriate in specific instances.

**NOTE:** All travel arrangements are the responsibility of the applicant.

#### Visual Disability:

For testing purposes, applicants fall into four groups:

1. **Totally blind** - those applicants who lack any vision of practical use in reading examination materials or visualizing the pattern or layout of graphs, charts, diagrams, etc. They must receive all test material verbally or through the sense of touch.

#### Reasonable accommodations:

- a reader
- tape-recorded booklets
- a recorder to write answers
- extended time limits
- individual monitor
- accessible test locations
- assistance from staff in getting to or from the exam room
- modification of certain parts of the exam
- recording device for recording answers
- manual Braille for note taking
- calculating device such as an abacus or talking calculator
- tape recorder for note taking (tape provided and retained by the department involved)
- equipment can be supplied by the applicant

2. **Partially sighted** - those applicants who may be legally blind but have sufficient vision either to read printed material with the aid of enlarging devices or, as a minimum, to see the pattern or layout of graphs, charts, diagrams, etc. They may only be able to use vision for parts of the examination and require a reader or other assistance for the rest of the examination.

**Reasonable accommodations:**

- a reader
- tape-recorded booklets
- examination in enlarged print
- a recorder to write answers
- felt tip pen or black crayon for note taking
- special lighting
- extended time limits
- frequent breaks
- individual monitor
- accessible test locations
- assistance from staff in getting to or from the exam room
- modification of certain parts of the exam
- recording device for recording answers
- manual Braille for note taking
- calculating device such as an abacus or talking calculator
- tape recorder for note taking (tape provided and retained by the department involved)
- equipment can be supplied by the applicant

3. **Limited vision and specialized vision problems** - those applicants who handle reading tasks without special provisions but may encounter problems with certain types of printed material such as very small or closely spaced type. This group also includes people who are colorblind, have sudden attacks of vision loss, or have unusual eye fatigue problems.

**Reasonable accommodations:**

- special lighting
- extended time limits
- frequent breaks
- examination material printed on special colored paper
- examination in enlarged print
- equipment can be supplied by the applicant

4. **Print Disability Other Than Visual Impairment (dyslexia)** - These applicants have difficulty processing information from the printed page. They may vary from day-to-day in the degree of disability and its consistency.

**Reasonable accommodations:**

- a reader
- tape-recorded booklet
- extended time limits
- frequent breaks

- individual monitor
- recorder to write answers
- recording device for recording answers
- tape recorder for note taking (tape is provided and retained by the department involved)
- equipment can be supplied by the applicant

### **Hearing Impaired:**

For testing purposes, these applicants fall into two groups.

1. **Pre-lingually deaf** - deaf since birth or early in life. Usually his/her native language is American Sign Language. Competency in reading, writing, hearing and speaking English may be limited.

#### **Reasonable accommodations:**

- written instructions for each part of the examination
- elimination or modification of certain parts of the examination
- sign language interpreter
- extended time limits
- simplified language used for instructions should applicant not want an interpreter
- individual monitor or special attention from room monitor

2. **Post-lingually deaf** - applicants who have become deaf later in life. Their competency in reading, writing, hearing and speaking English varies greatly.

#### **Reasonable accommodations:**

- written instructions for each part of the examination
- sign language or oral interpreter
- special seating arrangements [i.e., close to primary speaker(s) to facilitate lip-reading]
- extended time limits
- individual monitor or special attention from monitor

**NOTE:** An interpreter for the deaf may interpret all general oral and written exam instructions but must provide translation of examination materials as close to verbatim as possible. The interpreter must not transliterate examination content or directions that are part of the examination task itself.

### **Manipulative/Writing Disability:**

These applicants have physical conditions that make writing difficult or impossible. They require accommodation only in the recording of their responses.

#### **Reasonable accommodations:**

- recorder to write answers
- typewriter
- extended time limits
- individual monitor
- felt tip pen or black crayon for note taking
- recording device to record answers
- equipment can be supplied by the applicant

**Disabilities requiring the use of mobility aids:**

These include applicants whose disabilities require the use of a wheelchair, crutches, etc.

**Reasonable accommodations:**

- special parking arrangements
- toilet facilities accessible to persons in wheelchairs, on crutches, with artificial legs, etc.
- table or desk at appropriate height and with sufficient clearance to allow the applicant to be comfortable
- examination room accessible to the applicant and close to building entrance
- assistance from staff in getting to or from the exam room

**TEMPORARY DISABILITIES**

Any disabling condition expected to last no longer than six months should be considered temporary. Reasonable accommodations may be provided to applicants with a temporary disability if they do not involve expense to the department or if the applicant is willing to bear the expenses. Arrangements will be made to offer a special examination after the disability is eliminated, if practicable.

**IV. EXAMINATION WAIVER PROGRAMS****CERTIFIED DISABILITY PROGRAM**

For applicants who cannot participate in an examination without adversely affecting their scores because of their disability, the Certified Disability Program can be used to bypass participation in the usual testing procedures. Candidates who are approved for this program are placed on the list of eligible applicants subject to being waived from written tests or other formal screening systems.

Since 2000, when DAS-HRE ceased most testing for state jobs, this program has rarely been used. Description of the program has been retained in this manual in case additional tests are added by DAS-HRE in the future or in case individual department testing practices might necessitate its use.

To be approved for the Certified Disability Program (CDP), the applicants must:

1. Submit a completed Iowa Department of Administrative Services – Human Resources Enterprise Application form to DAS-HRE and request consideration for inclusion in the program. The applicant may telephone or write a letter requesting such consideration.
2. Apply for job classes or positions currently open to application.
3. Meet the qualifications for the job class as stated on the class description and determined by DAS-HRE.
4. Have previously met eligibility requirements for vocational rehabilitation services. If the applicant is not currently a client of the Department of the Blind or the Division of Vocational Rehabilitation Service of the Department of Education, approval is also possible, although in recent years, some applicants for services have had to go on a waiting list. Interested applicants should contact one of these departments for client status requirements.

5. Meet with an assigned rehabilitation counselor in order to discuss the Examination Waiver form, class description, and description of the examination sent by the DAS-HRE. The counselor should complete the portion of the Examination Waiver that describes the nature, degree, and extent of the disability and the reason the test involved would be inappropriate.
6. The counselor must also complete the certification section of the form. The counselor will then forward the signed and completed Examination Waiver form to DAS-HRE.
7. An approved copy of the Examination Waiver form will be sent to the applicant and to the counselor. The applicant's name will then be added to the list of eligibles for the job class or position vacancy involved. The name of a CDP applicant will be placed on the list for consideration for hire.
8. Applicants will be identified as CDP applicants on the certificate. This will allow affirmative action consideration as appropriate.

## EMPLOYMENT PROCESS ENGLISH LANGUAGE ACCOMMODATION

DAS-HRE and departments in the Iowa Executive Branch are responsible for administering a system that screens for high quality applicants to fill vacancies in state agencies. This policy is directed toward ensuring that the system used to screen applicants provides adequate access for applicants for whom English is a second language. This access must be provided in a balanced, reasonable manner that does not compromise the fairness or integrity of the screening process. The following policy provides for a process that will be used to consider language accommodation requests for the applicant screening process:

1. Requests must be received in writing.
  - a) For accommodations related to the initial application process and review of qualifications, address requests to the:  

Iowa Department of Administrative Services  
Human Resources Enterprise  
Grimes State Office Building  
400 East 14<sup>th</sup> Street  
Des Moines, IA 50319-0150
  - b) For accommodations related to the screening processes used by the department actually advertising the position for which you have applied, send your request directly to that department.
  - c) Include the reason for the request and a description of the accommodation requested.
2. Requests must be received a minimum of two weeks before any significant accommodation needs to be available. A longer time period may be required to schedule some accommodations. Minor accommodations may be granted in a shorter timeframe, depending on the specific request and situation.
3. Decisions about accommodations will take into account:
  - a) The reason for the request.
  - b) The relationship of the reason to the type of screening instrument used.
  - c) The nature of the accommodation requested.
  - d) The resource capabilities of the departments involved.
  - e) The availability of the accommodation.
  - f) The cost of the accommodation.
  - g) The time required to develop and/or coordinate the accommodation.
  - h) Whether the accommodation requested allows for equitable, fair screening that does not compromise the law or administrative rules.
  - i) If language skills are an essential function for the position and are being measured in the process.

4. Examples of accommodations that may be considered:

- a) Use of English language translation dictionaries for translating test instructions. Such dictionaries shall be provided by the applicant.
  - b) Adjusted time periods for instructions only.
  - c) Other time adjustments, as feasible, where the overall hiring process timeframe can be adjusted.
  - d) Use of an oral translator for instructions.
  - e) Use of an oral translator or dictionary for all portions of the screening process where fairness to other applicants would not be compromised.
  - f) Translation of actual supporting materials used in the employment process.
- The department will respond in writing to the request within three working days, indicating approval or citing reasons for disapproval.
- Translators may be provided by the applicant. Volunteer support will be obtained when possible. Otherwise, it will be necessary for the applicant to bear the associated expenses. (Note: This is not a legally required accommodation that must be paid by the department under the Americans with Disabilities Act.)

## CHAPTER 9 QUALIFICATIONS AND SELECTIVE CERTIFICATION REQUIREMENTS

### What are qualifications?

Qualifications are standards for the amount and kinds of education, training, and experience that an applicant must possess in order to be considered for employment in a job class and position. Applicants who do not possess the required qualifications are not eligible to be considered for hire and must not be continued as viable applicants in screening processes.

Qualifications are based on identifying those areas of education, training, and experience that will provide the competencies required to perform essential job functions. Qualifications must be job-related and consistent with business necessity.

### Why establish qualifications?

1. Qualifications are used to ensure that the applicants that you consider are truly qualified to perform the essential functions of the job.
2. Qualifications are used as a means for applicants to determine if they are qualified and should apply for a position. They let applicants perform self-screening.
3. Qualifications are the first formal screening device applied in the screening process. As such, they are covered by the same legal requirements as other screening devices such as tests and rating devices. All screening devices are subject to equal employment opportunity requirements and are covered by the Uniform Guidelines on Employee Selection issued by the federal government. They must be job-related and a business necessity.
4. Qualifications, as used in this system, are of two types, class requirements and selective requirements related to the specific position being filled.

Qualifications are the amounts of education and experience that could reasonably be expected to provide a person with those competencies necessary for successful performance of the essential functions generally associated with the jobs in the class. They are developed through study of a variety of positions typical of the class.

These qualifications must always be met by all applicants for positions. These requirements are the base requirements for all positions classified in that job class.

### How are qualifications established?

Qualifications are established based on the judgment of the employing departments, generally with the assistance of their assigned Personnel Officer, based upon prior hiring experience for similar positions and familiarity with the occupational field. The qualifications should not be established until the class and position are reviewed to assure that the essential functions and required competencies are identified and current. The requesting agency completes the Request for Classification, Compensation and Selection Changes form (CFN 552-0709, Rev 12/05) and submits it electronically to the Personnel Officer. The request is reviewed according to the same process listed below for adding selective certification.

Once the essential functions and required competencies are identified, it is often helpful to consult a variety of sources of information to help form the qualifications. These include:

1. College catalogs for identifying college majors or course work that should be included.
2. Training catalogs or brochures.
3. Class descriptions for similar or related job classes from the Iowa classification system.
4. Class descriptions from other jurisdictions.
5. Position description questionnaires from other positions in the same job class.
6. Position description questionnaires from positions in related job classes.

*General qualifications contained in the primary qualifications clauses must remain unchanged and used in advertisements unless the qualifications changes are made on the class descriptions. Selective requirements are position-specific and should be published in vacancy announcements.*

## **SELECTIVE CERTIFICATION QUALIFICATIONS**

Selective certification qualifications, or “selectives,” are requirements that are based on the specific position being filled. Selective certification is a means of narrowing the applicant pool by seeking a more specific type of background WITHIN the stated minimum qualifications. Generally speaking, it is NOT additional education or experience except in some cases where a certification or licensure is required.

### **Establishing selective certification requirements for a position**

Selectives are established by identifying education, training or experience that is required to perform the essential functions of a position in addition to the class requirements. *These qualifications are usually based on technical competencies specific to the position.*

Generally, selectives are expressed as six months of experience or 12 semester hours of education in the selective area, or a combination of both, although in some cases, an applicant is more likely to have background in one or the other due to the nature of the area. Sometimes a case can be made that more experience or semester hours are necessary PRIOR to coming to the job, but this technical background requirement should be kept to a minimum or it will have the effect of changing the minimum qualifications.

### **Template for defining a selective area:**

Some selectives are defined only by the title of the selective area and the standard phrasing found in the above paragraph. Others have more specific definitions. Selectives currently in use can be found on the DAS-HRE website under “Lists” at: [http://das.hre.iowa.gov/gen\\_info\\_managers.htm#hrp](http://das.hre.iowa.gov/gen_info_managers.htm#hrp). As new selectives are requested, the following template has been provided as an aid to those making the request and for the DAS-HRE qualifiers. It is not required and is not relevant in all situations.

x months experience in or y semester hours in or a combination of both in \_\_\_\_\_ [word or phrase naming the specific field or background area, such as “accounting” or “transportation management”] at the \_\_\_\_\_ [professional, technical, supervisory, manager, executive, etc. - this can be placed in front of the field or background area also, if it reads better] level that included the following major functions: \_\_\_\_\_ [list as bullets]

for which the following competencies were required/used/needed/demonstrated [pick one]: \_\_\_\_\_ [list as bullets]

Optional: Successful candidates must be able to \_\_\_\_\_ [list any special requirements here that would help the qualifiers distinguish whether or not the applicant possessed the desired background].

## Requests to Add or Modify Selectives

A Request for Classification, Compensation and Selection Changes form (CFN 552-0709 Rev 12/05) should be completed and sent electronically to the assigned Personnel Officer. It should address the reason the selective requirement is needed and describe the types of duties or tasks they would expect someone in the requested selective area to have performed. This should reference the essential functions on which the selective is based and a copy of a Position Description Questionnaire with those essential functions listed should be attached. Copies of the request and the PDQ should be maintained at the department.

Selective requirements can be added to class descriptions with relatively short notice. Once they have been added, the hiring authority has the option of using or not using them for future hiring situations. As part of the position qualifications, the selective requirements are subject to the same legal requirements for job-relatedness and business necessity as are all other forms of screening.

### Example 1

DAS-HRE has a variety of Advanced Personnel Management Specialist positions that function within a number of specialized personnel areas. A vacancy has occurred in a position that is assigned duties in the development and administration of the classification and compensation system for the state.

An essential function for this position is the “Ability to develop and administer a performance-based compensation system.”

This essential function is listed on the position’s PDQ. A request to add a selective requirement for experience administering compensation systems in the public service has been approved as it was clearly related to performing the essential function.

As this is an Advanced Personnel Management Specialist position, it is reasonable to require that an applicant have a solid base of experience in compensation, as the expectation is that the individual hired will be expected to perform this function immediately after being hired without specific compensation training. This experience was specific to the public sector because compensation strategy is affected by different factors in the public sector.

On the class description, the wording would read, “For designated positions, the appointing authority, with DAS-HRE prior approval, may request those applicants possessing a minimum of twelve semester hours of education, six months of experience, or a combination of both, or a specific degree, certificate, license, or endorsement in the following areas: 903 compensation.”

This selective requirement *must* be published in addition to general qualification requirements in any announcement for filling this position.

### Example 2

The Department of Natural Resources employs a number of individuals in positions classified as Environmental Engineers. These positions are employed in different bureaus in the Department that specialize in different areas of environmental engineering. Those positions specializing in monitoring water quality would require technical competencies related to that area. They would logically require a selective requirement in water quality to ensure that all applicants possess required competencies in order to perform the essential functions.

The following process is followed when adding/changing qualifications or adding/changing a selective or making other changes to class descriptions. This process is also used for establishing new class descriptions, following initial review of the request to add the job class by the Classification & Compensation Program Manager. The part in italics refers to the agency's responsibilities:

**1. Department submits request**

*The department determines a need to change or add a new class description, such as adding a new selective certification or changing the minimum qualifications (MQs) for a class, and discusses this with the Personnel Officer (PO). If the department decides to proceed with the request, it completes a Request for Classification, Compensation and Selection Changes form (CFN 552-0709, Rev 12/05) and submits it electronically to the PO. For new selective certifications, a current electronic copy of the Position Description Questionnaire (PDQ) for the subject position(s) is also included. Tasks and essential functions on the current PDQ should support the need for the new selective. (Note: requests to establish a new job class require additional steps. These are spelled out in the Process for Classification, Compensation and Selection Additions/Changes found in Chapter 3 of the Managers and Supervisors Manual.*

**2. HRE reviews request**

The request is reviewed by the PO, who attaches pertinent comments and forwards the package to the Selection Program Reviewer (SPR). The SPR reviews the request to determine if there is a legitimate need, if other alternatives might work as well, if the wording is clear enough for employment specialist (ES) interpretation, or if there are potential interpretation problems. The SPR approves, requests additional information, or does not approve the request. If additional information is requested, or if the request is not approved, the PO is sent a written explanation to forward to the department.

**3. If approved, class description updated**

The SPR revises the current class description, adding the new selective, minimum qualification statement(s), competencies, etc. and updates the entire class description in the appropriate format. (See Chapter 11 of the Classification Manual.)

**4. Change(s) documented for HRE records**

The SPR completes the relevant portions of the appropriate classification update form (0083 or 0084). For approved new selectives, the SPR assigns a new selective code and updates the lists of selectives and selective definitions.

**5. Changes incorporated in job announcement**

*The Classification & Compensation Plan Specialist (CCPS) updates the Employment System and notifies the POs, PAs and other DAS/HRE staff as appropriate when the selective, MQ, or other class description changes will become effective, when they will be ready to use, and, if applicable, provides the new selective code. The requesting department prepares its vacancy announcement, incorporating the changes.*

## 6. **Employment System and Internet class description are updated**

The CCPS prepares a Class Activity Recap from the 0083/0084's. The Word Processor (WP) is notified by the CCPS to move the new class description into the Class Descriptions Final folder from the Class Descriptions In Progress folder. The WP notifies the Webmaster to update the class description on the DAS-HRE website.

## 7. **HRE receives applications**

The ES receives applications and reviews them for the new selective or MQ or other changes to the class description. The ES prepares the certificate (list of eligibles) and *forwards it to the requesting department. The department proceeds with the rest of the selection process.*

The above process is also followed for changes to the class definition, examples of work performed, competencies, necessary special requirements, and notes. Changes to the class definition or examples of work performed are submitted to the Classification & Compensation Program Manager instead of the SPR in Step 2 above, but the rest of the process is essentially the same.

**Necessary Special Requirements** are generally additional expectations at the time of hire such as willingness to travel.

**Notes** generally refer to post hire expectations or conditions of employment such as licenses and certifications the incumbent must acquire within a stated period following hire, availability, or physical or medical checks.

(Over time, the two categories described above have been used interchangeably. This will be addressed through future class description revisions.)

## Instructions for Completing the Request for Classification, Compensation, and Selection Changes Form

This document is the primary vehicle to be used in requesting the following personnel actions:

- Changing the class description – this includes changing any or all of these segments: Definition, Work Examples, Competencies, Qualifications (Education and Experience), Special Requirements, Selective Certification and Notes
- Adding a new job class
- Deleting a job class
- Changing a class title
- Changing a pay grade

Not all parts of the form need to be completed, depending on the type(s) of action being requested. Each type of action below indicates the question numbers to be completed for it.

When requesting one of these changes, the document must be submitted electronically to your personnel officer so that documentation can be maintained in the DAS-HRE electronic masterbooks for historical purposes. DAS-HRE no longer maintains historical records in hard copy format.

**For all requests:** The box of the type of change being requested (all that apply) should be checked and the name of the department, the class title(s) and class code(s) (where applicable) should be completed.

**Changes to the Classification Plan – add or delete a class, change a class title, change a pay grade:** Complete Questions 1-3 and 9-11.

**Adding a new selective or adding an existing selective to a class description:** Complete Questions 4-6 and 8-11. Selective requests also require a copy of the Position Description Questionnaire (PDQ) for the position(s) in question. Note that the form now includes a link to the selective lists, which include the definitions of existing selectives.

**Changes to the Class Description other than Selective Certification (Definition, Work Examples, Competencies, Qualifications, Special Requirements, Notes):** Complete Questions 7 and 9-11.

**Changes to Qualifications:** In addition to completing Questions 7 and 9-11, as indicated above, also complete Question 8.

Complete each question required for the particular change and provide enough detail for the reviewer to not only understand *what* is being requested but also *why* it is being requested (the business reason) and *how* this change will impact your department's operations. This form has been formatted to expand to accommodate whatever amount of detail you need to provide to adequately describe the situation.

The personnel officer will forward the request to the appropriate staff program person for review. The program person will review the request and either approve it as is, request additional information, or tell the personnel officer why it cannot be approved in its current form. The personnel officer will communicate this information to the department.

Management liaisons, personnel assistants and personnel officers will be informed by the DAS-HRE Employment Bureau when changes will be implemented. This is followed up with the monthly Class Activity Recap.

CFN 552-0709 12/05

*Request for Classification, Compensation and Selection Changes*



## Iowa Department of Administrative Services – Human Resources Enterprise

## Request for Classification, Compensation and Selection Changes

*Note: Submit this request and any accompanying documentation electronically to your personnel officer. For selective certification, in addition to this request form, submit a copy of the most current Position Description Questionnaire (PDQ) for the position(s).*

(Check below all that apply)

- ☐ Definition    ☐ Competencies    ☐ Special Requirements    ☐ Add Class    ☐ Change Title  
☐ Work Examples    ☐ Qualifications    ☐ Selective Certification    ☐ Delete Class    ☐ Change Pay Grade

Department: \_\_\_\_\_

Current Class Title: \_\_\_\_\_ Class Code: \_\_\_\_\_

ONLY COMPLETE THE SECTIONS BELOW THAT RELATE SPECIFICALLY TO YOUR REQUEST.

### Changes to Classification Plan

(This includes adding or deleting a job class, changing the title or changing the pay grade. Complete #'s 1 – 3 and 9 – 11.)

1. Describe the change being requested and the reason(s) it is being made:

2. What time frame are you considering for implementing the class addition/change? Is there a time limit that must be met for implementation? If yes, please explain:

3. If class addition or pay grade change, what pay grade is requested? \_\_\_\_\_

How many current employee/positions will be affected by this change? \_\_\_\_\_

Will it have a budgetary impact? Yes ☐ No ☐

Has it been approved by the department director? Yes ☐ No ☐

Has it been discussed with the Department of Management? Yes ☐ No ☐

**Selective Certification Requests Only** (Complete #'s 4 – 6 and #'s 8 – 11.)

Lists of selectives currently in use and their definitions, where they exist, can be found at:  
[http://das.hre.iowa.gov/gen\\_info\\_managers.htm#hrp](http://das.hre.iowa.gov/gen_info_managers.htm#hrp). Scroll down to the "Lists" section.

4. Is this a request to add an existing selective to this job class? Yes ☐ No ☐ If yes, provide the selective title and 3-digit code requested: \_\_\_\_\_

5. Is this a request to add a new selective? Yes ☐ No ☐  
 If yes, provide desired selective title: \_\_\_\_\_

6. For new selectives (required) or to update existing selectives (optional), provide a succinct, concrete definition of the selective, using the template below as feasible:

x months' experience in or y semester hours in (usually 6 months experience, 12 semester hours) or a combination of both in [word or phrase naming the specific field or background area, such as "accounting" or "transportation management"] at the [professional, technical, supervisory, manager, executive, etc., level [which can be placed in front of the field or background area, if it reads better] that included the following major functions: [list as bullets] for which the following competencies were required/used/needed/demonstrated [pick one]: [list as bullets]

Optional: Successful candidates must be able to [list any special requirements that would help the qualifiers distinguish whether the applicant possesses the desired background].

**Class Description Changes/Additions Other Than Selective Certification** (Definitions, Work Examples, Competencies, Education and Experience Requirements, Notes and Special Requirements. Complete # 7 and #'s 9 – 11.)

7. Copy and paste the passage to be changed. Indicate how the desired language should read by underlining desired insertions and striking through desired deletions:

**Class Description Changes/Additions to Minimum Qualifications or Selective Certification**

8. What types of background, tasks, competencies, etc., should be looked for on the application to determine if the applicant meets the job class criteria?

## For All Requests

9. Why is this addition/change necessary? Specifically, what is the business need this addition/change will address (not just what this addition/change will accomplish, but why it is needed)?

--

10. How does the addition/change affect the job class as it currently operates?

--

- [illegible]

**Agency Contact:** \_\_\_\_\_

(name)                      (e-mail address)

Agency Contact – Telephone number: \_\_\_\_\_

Date Submitted to DAS-HRE:

- 12. Personnel Officer review and comments:**

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## CHAPTER 10 MULTIPLE-CHOICE WRITTEN EXAMS

(Note: In July 2000, the Iowa Department of Personnel, the predecessor agency to DAS-HRE, eliminated its testing program for all but a few job classes. This included both written tests and education and experience guidelines. Since these selection tools must first be validated if used at some future point by individual agencies, the following information is provided for their use.)

### USE OF MULTIPLE-CHOICE WRITTEN EXAMINATIONS

#### What are they?

Written examinations that use a multiple-choice format are one of the most common forms of written examinations or tests used in employment screening. These tests can be more traditional subject matter (job knowledge) based tests, general aptitude tests, psychological tests or work attitude tests. Whatever the type of format or purpose for which the test is used, it shares a common base of required legal justification for its use.

#### Legal requirement for written test use:

All written tests must be validated before they are used in order to meet legal requirements expressed in the “Uniform Guidelines on Employee Selection Procedures,” [http://www.dol.gov/esa/regs/cfr/41cfr/toc\\_Chapt60/60\\_3\\_toc.htm](http://www.dol.gov/esa/regs/cfr/41cfr/toc_Chapt60/60_3_toc.htm), court interpretations of those guidelines and the Civil Rights Act of 1964. Before any written examination is used, be it purchased or developed onsite, there must have been a validation study conducted that demonstrates the validity of the use of the test in that job situation.

Validity means that the test is either documented as “content valid” or has predictive validity demonstrated through a criterion validation study. The documentation is referred to as “job analysis.” Although there are a variety of approaches to doing job analysis, it usually includes describing the job or a group of jobs (job class) according to the tasks it performs, the competencies required to perform the identified tasks, and linking the two together. DAS-HRE has developed its own methodology for conducting job analysis, which is available to state managers and supervisors upon request.

#### Content validity:

Content validity is documented by applying a structured analysis procedure that identifies the job requirements that applicants must possess to perform the job. Once the job requirements are identified, it also must be demonstrated that the content of the test matches or “tests for” those same job requirements identified.

#### Criterion validity:

Criterion validity compare a measurement of some criterion/predictor or a job-related measurement, most commonly a performance evaluation, to the scores of individuals on a test or other indirect screening method. This comparison is a statistical comparison that reflects how well the test or other indirect screening method predicts performance on the job.

## **APTITUDE TESTS**

An aptitude test measures the potential ability of an applicant to perform a job. It is usually a test of general mental ability or intelligence that measures developed ability.

## **WORK ATTITUDES TESTING**

### **What is a work attitudes test?**

- A work attitudes test is a test that is used to screen applicants for productive attitudes about work.

### **What test can be used?**

- The Inventory of Work Attitudes (IOWA) test was developed by the Iowa Department of Personnel, the predecessor agency of DAS-HRE, and the University of Iowa Tippie College of Business Administration, Department of Management and Organizations.
- This test contains multiple choice items that normally can be completed in 30-45 minutes.
- It covers five work attitude areas: work values, customer service orientation, supervision attitudes, honesty, and tenure.
- If interested in using this screening device, contact the Selection Program Manager at DAS-HRE.

## CHAPTER 11 APPLICANT QUESTIONNAIRES

### What is an applicant questionnaire?

An applicant questionnaire is a list of questions that require a written response from the applicant. The questions are generally sent or otherwise provided to the applicant immediately after receiving an application, resume, or request for materials. The questions must be job-related and provide information about the competencies required to successfully perform the essential functions of the class or position.

### Why use a questionnaire?

Questionnaires are useful when they provide job-related information about applicants that can be used to identify the best quality applicants most likely to be successful in the position. Questionnaires can be objectively scored to provide a relative ranking of the applicants.

Questionnaires are subject to the same screening system justification requirements as are all other screening systems. They must be job-related and a business necessity. If job requirements have been reviewed with essential functions and required competencies identified, and the questions clearly are directed at gathering applicant information related to the essential functions and competencies, this requirement has been met.

Questionnaires aimed at gathering information about an applicant's education, training, and experience are based, in part, on the principle that past behavior is the best predictor of future performance. In this type of in-depth questionnaire, information is gathered about how the applicant obtained job-related competencies through formal education or on-the-job training, or through gaining the competencies or applying them by performing specific job functions, duties, or tasks.

### Developing in-depth questionnaires:

The development of this type of questionnaire requires:

- The development of a list of competencies required to perform essential functions of the position.
- Documentation that the questionnaire meets the requirements of the Federal Uniform Guidelines on Employee Selection: [http://www.dol.gov/esa/regs/cfr/41cfr/toc\\_Chapt60/60\\_3\\_toc.htm](http://www.dol.gov/esa/regs/cfr/41cfr/toc_Chapt60/60_3_toc.htm). This includes:
  - Information that documents that the content of the questionnaire represents important aspects of performance on the job.
  - Evidence that the competencies measured are job-related and required by business necessity.
  - Where feasible, development of standardized scoring techniques using machine readable answer sheets.
  - Development and application of recordkeeping measures for determining adverse impact of EEO/AA protected groups of applicants.
  - Evidence that the questionnaire measures competencies that are vital or essential to successful job performance.
  - A written report that summarizes the development process and the evidence that supports use of the questionnaire as a method for screening applicants. This must include a description of the method of analysis used to identify competencies, the methods of

measurement (questionnaire content), the relationship to the job (job-related competencies being measured), and a description of how the questionnaire will be used in screening applicants.

*Because of the amount of documentation, structure, and the supporting requirements for answer sheet development and scoring, this type of questionnaire approach should be conducted in cooperation with DAS-HRE staff and assigned Personnel Officers.*

### **Developing job-related questionnaires:**

The development of this type of less formal questionnaire requires:

- Identification of the competencies required to perform essential functions of the position using the process described in this manual.
- Identification of educational areas at both graduate and undergraduate levels, or technical programs that will provide the opportunity to acquire job-related competencies.
- Identification of on-the-job training opportunities that will provide the opportunity to acquire job-related competencies.
- Identification of the most important areas that would provide information about the applicant's experience where they could have acquired or used job-related competencies.

### **Developing questions and scoring methods:**

Numerous sources of information can be used to identify possible education, training, and experience that can be credited as useful in providing job-related competencies. The questionnaire that is usually developed to gather this type of information consists of six to ten open-ended questions.

The questions are sent to applicants who respond to the posted vacancy. Instructions are included on how answers will be accepted. This is usually typewritten and returned to a specific person by mail, FAX or through other electronic media.

Answers are then scored, usually through a group process, using scoring guides based on the review of sources of job-related information.

### **Sources of Information:**

- College catalogs for descriptions of major or minor coursework areas.
- Specific course content descriptions in the catalogs.
- Training catalogs such as the one provided by DAS-HRE's Personnel Development Seminars.
- Applications and resumes of past applicants, especially those of the best applicants and successful employees.
- Past advertisements.
- Existing position descriptions for similar positions.
- The current position description for the position, especially if it has recently been reviewed using the process cited in this manual.
- The current classification description for the job class in which the position is classified.
- Iowa Code authorizing language.
- Applicable administrative rules.
- Related policies and procedures.

- Information obtained directly from present or past occupants of the position or job class.
- Information obtained from persons who are familiar with the position.
- Related textbooks, journal articles, professional or technical publications or research papers.
- Examples of other questionnaires, especially those for positions with similar competency requirements. Networking with other public jurisdictions may be helpful here.
- The *Human Resource Manager* automated resource system. (This is available only to DAS-HRE, Iowa state agencies and Iowa state managers and supervisors.)

**Examples:**

**Examples of questionnaires and scoring systems are included for reference. Additional examples may be obtained from the State Selection Manager.**

**Setting scoring weights for questionnaires:**

Scoring weights for answers to this type of questionnaire are usually set based on judgments of the job experts supplying the information used to construct the questionnaire. Weights are identified by asking those experts to identify the relative importance of the question areas (competencies) chosen as most important.

**Example:**

**A department is filling a Division Administrator position. They have identified questions to be answered by applicants and returned to them for scoring. The questions are in six areas:**

- Education: College level
- Experience including a specific description of titles, locations, dates, programs administered, size of budget, number of staff and duties.
- Specific program experience related to the primary area(s) administered, including establishing a mission and direction.
- Experience working with boards, commissions, or other oversight entities to form collaborative working relationships.
- Experience in public relations providing sensitive information to legislators, the media, and the public.
- Communications experience making written and oral presentations.

The job experts divide the six areas into their relative percentage weight for scoring. The starting point for this decision is based on the assumption that there is a 100% total to divide. In this case (and this will vary according to the specific situation and type of position being filled) they decide that:

- Education is worth 10%
- General experience is worth 20%
- Specific experience is worth 15%
- Experience working with boards and commissions is worth 20%
- Experience working with public relations is worth 20%
- Communications experience is worth 15%

Under this guide, the answer to the question in each area would be worth a maximum of the number of points equal to the percentage assigned by the group. For example, on a 100-point

possible questionnaire, the highest number of points for the top answer in a section is the number assigned under the percentage. A weight of 15% translates to 15 points, 20% to 20 points, etc.

In the example included, the scoring for Education and Training was set at 10%. The top answer rating, a graduate degree, was worth 10 points. The three lower scoring options scaled at 8, 5, and 3 points, respectively. The actual distribution of points is based on discussion with the job experts.

This type of system assumes that only one level of points is awarded to the candidate for each area, usually the higher number of points. In the Education and Training example above, the applicant might have met the descriptors for both 10 and 5 points, but is awarded only one level, most likely 10. Where it is possible to meet the criteria of more than one descriptor, the value of the points awarded may need to be modified so that any potential score in the area does not exceed the total number of points possible in the area. One way to do this is to assign a “maximum” so that no matter how many levels of points they may meet, their total cannot go over the maximum.

Actual content of the scoring guide is also developed based on discussions with the job experts. Where possible, it is recommended that a draft scoring system to be reviewed by the job experts as a starting point for discussion. These can be developed by reviewing other scoring guides or through review of the same types of source material used to develop job qualifications.

### Scoring the questionnaire

Each member of the scoring group should review the questionnaires and assign points independent of the others. This enhances the purpose of having a scoring group, which is to obtain different perspectives about the applicants. Scoring group members need adequate time to complete the scoring process, especially those who may not have done this before or do it infrequently. If there are specific areas of expertise or prior performance they should be looking for, the person coordinating the scoring process may bring this to their attention when the scoring materials are distributed or as questions arise during the scoring process. The scoring coordinator should not attempt to exert undue influence or express her or his opinion during this phase of the selection process.

Generally, the scored questionnaires are sent to one person, usually the scoring coordinator, to record and compile a composite score. All questionnaire scores are ranked, and further applicant consideration is based, at least in part, on this relative placement. Sometimes, the group will reconvene to compare and discuss the scores they have given. At this point, depending upon the ground rules that have been set, some members of the scoring group may elect to change their scores based on new information or new insights they have heard during the discussion. This is appropriate as long as everyone agrees to this approach, and the change is based on solid, job-related information.

- **When using any scoring process, it is important for the hiring authority to apply the Veteran’s Preference law that requires qualified veterans receive five extra points and disabled veterans receive ten additional points to your primary scoring system. (This is done once, usually at the point the applicants are first scored.)**

## EXAMPLE

## CANDIDATE QUESTIONNAIRE

### DIRECTOR – IOWA DEPARTMENT OF TRANSPORTATION

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone # (Days):** \_\_\_\_\_

**Telephone # (Evenings):** \_\_\_\_\_

**FAX #:** \_\_\_\_\_

**Email:** \_\_\_\_\_

1. List college/university level education including degrees, major courses of study, and dates completed. Include pertinent staff development training attended.
2. Describe your work experience that has prepared you for this position, starting with the most recent. Include: position title, place of employment, dates of employment, programs administered, size of the budget, number and type of staff supervised, and a general description of duties.
3. Describe your experience in public transportation administration. Include a description of organizations or programs you have been involved with, your role in making those organizations or programs successful, and any innovative improvements you initiated.

4. Describe your experience working with boards, commissions or other oversight entities. What did you do to develop successful, collaborative relationships?
5. Describe your approach to presenting sensitive information to legislators, the media, and the public.
6. Provide the name, title, address, daytime telephone, email address and FAX number (if available) of three references who can speak to the level and quality of your work experience.

**EXAMPLE****Candidate Identification Number:****DIRECTOR – IOWA DEPARTMENT OF TRANSPORTATION  
CANDIDATE QUESTIONNAIRE EVALUATION**

This scoring guideline would be applied to obtain a score that would be used to rank candidates. The ranking would be used in recommending candidates to move on to the next stage of the selection process, such as telephone or in-person interviews. Weights listed can be adjusted based on committee input.

**1. Education and Training 10%**

- a) Graduate degree in public transportation administration (10 points)  
Graduate degree in an area closely related to transportation
- b) Graduate degree in business or public administration (8 points)  
Undergraduate degree in a transportation-related area
- c) Extensive training related to public transportation (5 points)
- d) Some training related to public transportation (3 points)

**2. Experience 30%**

- a) Experience administering a large public transportation organization. (30 points)
- b) Experience administering a medium-sized public transportation organization or a large division. (20 points)
- c) Experience administering a small public transportation organization. (15 points)
- d) Experience in management that involved administration of a large public transportation program. (10 points)
- e) Experience that involved management of a medium to small public transportation program. (5 points)

**3. Public Transportation 25%**

- a) Has been involved in large public transportation organizations and innovative changes that have had significant impact. (25 points)
- b) Has been involved in medium to small transportation organizations and some innovative changes. (15 points)
- c) Has been involved in administering public transportation programs with little indication of successful innovative changes. (10 points)

**4. Working with Boards, Commissions or other Oversight Entities 25%**

- a) Has managed in an environment that has included working directly with several boards, commissions, the legislature, or oversight groups, and transportation professionals. (25 points)
- b) Has managed in an environment that included a board, commission or other oversight group. (15 points)

- c) Has worked professionally with boards, commissions or other oversight groups. (10 points)

5. Public Relations 10%

- a) Has considerable experience dealing with a public relations program that involves elected officials, large market media, and a considerable segment of the public. (10 points)
- b) Has some experience dealing with a public relations program that involves elected officials, large market media, and a considerable segment of the public. (8 points)
- c) Has considerable experience in public relations. (5 points)
- d) Has some experience in public relations. (3 points)

In the example above, note that the amounts of experience are not described in terms of specific years. Words like “considerable” and “some” are used instead. This is usually done when the scoring group either has experience in the program area or experience reviewing applicants’ qualifications. They have developed enough of a “feel” for this process to make informed decisions without the need for specific criteria. Even with an experienced group like that, though, the group may need to discuss how they each interpret the descriptive criteria to ensure they are in general agreement.

Specific amounts of experience or education may also be included in the scoring guideline, but when this is done, the group should be able to defend the difference between one level and the next. For instance, it may typically take at least  $x$  years for an incumbent in this position to utilize certain competencies in the manner anticipated, so any amount of experience less than that would be awarded lower points.

## CHAPTER 12 ESTABLISHING A RESUME/APPLICATION RATING SYSTEM

### ESTABLISHING A RESUME/APPLICATION RATING SYSTEM

#### What is a resume/application scoring system?

A resume or application scoring system is a method of scoring applicant education, training and experience to rank them for further consideration in the hiring process. This ranking system must be job-related and a business necessity. It must measure the applicant's competency to perform essential functions for the position involved.

#### Why use a resume or application rating system?

Rating systems such as the example included are based, in part, on the principle that past behavior is the best predictor of future performance. In measuring the applicant's past education or training, we are measuring that applicant's exposure to education and training that provided job-related competencies.

In the experience portion of the rating system, we are measuring the applicant's demonstrated application of job-related competencies through past job duties.

A correctly prepared rating system will provide a ranking of applicants based on job-related factors. It will provide more information for a supervisor to use to identify which applicants should proceed to the next step in the screening process.

#### How to construct a rating system:

Rating systems must be job-related and a business necessity. They must measure job requirements that are competencies required to perform essential functions. In order to make sure that the process is job-related and a business necessity, you should:

- Follow a job requirements review process as described in this manual and in the Checklist for Supervisors Filling Positions. This process should be documented and records retained. This information may also have been obtained from a more formal job analysis.
- Measure areas in education, training and experience that clearly provide the competencies required.
- Consider using the numerous sources of information that are available to help identify education, training, and experience areas that should be included. These can include a review of:
  - College catalogs for descriptions of requirements in major or minor coursework areas.
  - Specific course content descriptions in the catalogs.
  - Training catalogs such as the one provided by DAS-HRE Personnel Development Seminars.
  - Applications and resumes of past applicants, particularly those of hired applicants, and especially those of the most successful employees.
  - Past advertisements.
  - Existing position descriptions for similar positions.
  - The current position description for the position.

- The current classification description for the job class in which the position is classified.
- Iowa Code authorizing language.
- Applicable administrative rules.
- Related policies and procedures.
- Information obtained directly from past or present occupants of the position or class.
- Information obtained from persons who are familiar with the position.
- Related textbooks.
- Lists of support materials already developed, including examples of other rating systems.
- The *Human Resources Manager* automated resource system. (This is available only to DAS-HRE, Iowa state agencies and Iowa state managers and supervisors.)
- Assign points to each area in a logical relationship to their importance to the job. Education, training, or experience areas that are more important to the job or provide more important competency information should be assigned higher points.
- When the rating system is drafted, apply it to several applications to ensure that it covers necessary areas and can be applied consistently. Make any necessary changes before the members of the final group of applicants are rated.
- Make sure that more than one person reviews and rates applications, if possible. Using three raters is usually best.
- Maintain rating sheets for each applicant for at least three years. These records can be invaluable in showing that you rated applicants appropriately and fairly, if your hiring process is challenged.

### Scoring process steps:

- Applications, whenever possible, should be scored by more than one person.
- Scores can be assigned by either developing a score sheet that lists the item number with a blank for inserting the score, having an item number with a score that is circled when the rater grants a score for that item, or by photocopying an entire rating and using that sheet as a record.
- Any score sheet should have an assigned applicant number or name and a date for scoring.
- Weights for each section are set based on input from the job experts. General section weights can be set as recommended in the questionnaire scoring section in the previous chapter. That is, relative overall weights can be a portion of the total of 100%. Weights for individual experience statements are often set individually with an individual score for each statement based on job expert input comparing each statement to other statements. For example, one job statement may be assigned a value of 20 points as being very related to required competencies. The next statement may provide a more indirect relationship to the job or provide less important competencies and is assigned a weight of 15 points.
- The applicant's total score should be included on the score sheet.
- Applicants can be ranked in relation to this score. This score can be used to assist in the determination of which applicants will be granted interviews.
- **Remember to add five points for veterans preference and ten points for disabled veterans to your primary scoring system. (This is done once, usually at the point the applicants are first scored.)**

**EXAMPLE****Public Information Officer Evaluation****[Date]****Applicant's Name [or number]:** \_\_\_\_\_**Rater's Name [or number]:** \_\_\_\_\_**Education: (Maximum: 25 points – select highest level only)**

- Masters Degree in Public Relations or Communication related area.  
Masters Degree in Public Administration or Business Administration.  
(25 points).
- Masters Degree in another somewhat related area.  
BA in Public Relations or Communications. (20 points)
- Other related Bachelor's degrees such as English. (15 points)
- General Bachelor's degrees. (10 points)
- Related advanced education less than a BA. (5 points)

**Total points for section:** \_\_\_\_\_**Training: (Maximum: 25 points – select highest level only)**

- Extensive training courses related to Public Relations, Communications, and/or Human Resources Service Delivery. (25 points)
- Several job related training courses. (15 points)
- Limited evidence of job related training. (5 points)

**Total points for section:** \_\_\_\_\_**Experience: (Maximum: 50 points)**

- Experience designing and administering a public relations/communications and marketing program for a human resources delivery system. (20 points)
- Experience designing and implementing a strategic marketing plan or program. (20 points)
- Professional level experience in the publishing/communication industry. (10 points)
- Professional level human resource experience. (10 points)
- Experience as a legislative liaison with primary responsibility for drafting legislation, communicating with legislative staff, senators and representatives. (20 points)
- Primary responsibility for writing an employee newsletter. (25 points)
- Speech writing experience. (5 points)
- Experience writing technical guides that apply to human resources such as supervision, labor relations, or how to do effective briefings. (5 points)

- Experience in providing general internal communications such as daily briefings or special topic, or meeting summaries. (5 points)
- Experience dealing with print media, including newspapers and magazines dealing with press releases, media events, or answering questions. (10 points)
- Experience in television. (5 points)
- Experience in radio. (5 points)
- Experience publishing a company or agency comprehensive annual report. (10 points)
- Experience in photography. (5 points)
- Experience in laying out brochures, ads, newsletters. (15 points)
- Experience using computer applications such as PageMaker or other software and web-based applications. (15 points)
- Experience in developing and designing brochures. (10 points)
- Experience in state government at the policy-making level. (10 points)
- Experience as a program director. (10 points)
- Experience communicating statistical data. (10 points)
- Experience responding to constituent complaints. (5 points)
- Experience developing a budget, with responsibility for oversight. (10 points)
- Experience in developing communication policies or instructional guides. (10 points)
- Experience developing and using a network of contacts. (10 points)

**Total points for section:** \_\_\_\_\_

**TOTAL POINTS:** \_\_\_\_\_

## CHAPTER 13 WORK SAMPLE DEVELOPMENT AND USES

### What Is a work sample?

A work sample is a method of measuring job skills based on achievement or proficiency. They are “miniature replicas of on-the-job behavior” and closely representative of the actual work performed on a particular job.

### What are they in practice?

A work sample is a structured representation of actual work to be performed.

Most work samples are simulations, rather than actual work samples. It is often not practical because of safety, availability of equipment, expense, and difficulty of administration to do actual work samples.

Work samples may use actual job-related equipment such as saws, hammers, or other equipment used on the job.

Work samples can also involve other verbal work samples.

Work samples can include:

- Map reading exercises.
- Asking a machine repairer to actually troubleshoot a machine that has been set up not to work.
- A brief sewing exercise for a seamstress.
- Having a carpenter applicant build a sawhorse.
- Using an in-basket exercise with a variety of correspondence for response by a managerial applicant.
- Having an applicant actually write a short business letter.
- Giving an applicant an exercise that requires following directions.

### Why use a work sample?

- Work samples have high content validity; that is, what they measure is closely job-related.
- Because of high relationship to the job that is easily visible, work samples are usually well accepted by job applicants.
- Because there is high content validity, work samples can be very useful in determining if an applicant has the level of skill required to perform the duties of the job.
- Research performed on work samples has shown that they are generally a fair method of screening with little adverse impact on protected groups.
- Work samples are usually best used in situations where the applicant is expected to already possess needed job skills rather than measuring how well the applicant can learn to perform job duties, as is often the case in entry level jobs.

### What are some drawbacks to using work samples in an interview?

- The work sample or samples included in the interview may lengthen the time it takes to interview candidates.
- The work sample must be developed using a thorough process that documents that this exercise does measure a critical behavior or job requirement.

- The work sample must be logically evaluated. This requires some type of evaluation system or scoring that also clearly measures the degree of the critical behavior or job requirement.

### **How can a work sample be constructed?**

- Ask the supervisor and/or other workers in the job what type of experience that applicants should possess.
- Review the job description for duties and essential functions.
- Identify which duties are the most important by discussing them with the supervisor and/or workers on the job.
- Identify one or two key areas related to job performance that can realistically be measured through a short work sample exercise.
- Identify the steps in the process required in the exercise. These steps may be useful in deciding the means to evaluate the exercise. The best result may be the one where all steps are present and a logical result then is developed. Less useful results are those without all the steps and a less well-developed result or conclusion is obtained.

### **How to administer the sample exercise.**

To compare results of the sample, each job candidate must be provided with equal chances of success on the exercise. This means that the conditions under which the exercise is administered must be standardized and consistent each time the exercise is administered. This includes items such as:

- A similar room that is well lit, clean, and quiet.
- Written instructions that include a description of the exercise and expected results.
- A standardized amount of time to complete the exercise.
- The same equipment and materials for each applicant.

All interviewers must be trained in application of the evaluation techniques for the exercise to ensure consistency of evaluation. Rating or evaluation bias must be avoided.

Confidentiality of exercises must be maintained. This means that exercises may need to be changed occasionally, from one selection process to the next, as applicants may become familiar with the exercise, and this familiarity affects scores.

Work samples are usually administered as part of the final interview process. They can be scheduled immediately after the interview. Applicants should be informed in the interview notice to allow the time needed for the work sample.

Remember that reasonable accommodations for persons with a disability may be required.

### **A brief example of a work sample.**

#### **Situation:**

You are interviewing candidates for a journey level Emergency Medical Technician position. You have chosen as one exercise the demonstration of the proper method of administering CPR. Each applicant is to be given five minutes with a resuscitation dummy to demonstrate the proper technique. Only one time through a complete cycle is required.

**Evaluation Criteria:**

1.	Shake and shout	Yes___	No___
2.	Tilt head and lift neck	Yes___	No___
3.	Head over mouth and observe chest	Yes___	No___
4.	Ventilate (4 times)	Yes___	No___
5.	Palpitate for carotid pulse	Yes___	No___
6.	Position of hands on chest proper	Yes___	No___
7.	Vertical compressions (No bouncing)	Yes___	No___
8.	Proper rate and ratio (Two ventilation, 15 compression)	Yes___	No___

**Suggested areas for work sample development.**

- Critique or evaluate something (a program, policy, procedure report's recommendations/conclusions, decision, or viewpoint).
- Solve a problem (require the candidate to define the problem, identify its cause, information needed, identify and evaluate possible solutions, decide what to do, and outline an implementation plan).
- Apply a set of rules/criteria to a particular case study.
- Lay out plans/steps for conducting a study, researching an issue, or reaching a goal.
- Read and explain, rephrase, or interpret a statement of policy, procedure, law, or other written material.
- Prioritize a number of issues, problems, or activities.
- Solve a supervisory problem concerning planning, organizing, assigning, directing, motivating, evaluating or facilitating the work of others.
- Persuade or convince a hypothetical client/audience of something.
- Deliver an oral presentation based on information that the candidate is given time to review and prepare.
- Respond orally or in writing to a complaint or hostile person.
- Role-play in a specific job-related situation.
- Write or edit written material that is specifically job-related.

**EXAMPLE****Public Information Officer Written Exercises****Exercise One:**

As the Public Information Officer, one of your major duties is to function as the department's legislative liaison. In this exercise, you are to regard yourself as filling that role. Please write a description of the steps you would take in handling and responding to the following situation. You will have 20 minutes to complete this exercise.

The Iowa Legislature considers bills to make changes to the Iowa Public Employees' Retirement System every two years. This session is one in which changes are being considered. It is now the third week of the session. As legislative liaison, you are informed that a representative has introduced a bill to privatize the system. You have had no prior knowledge of the bill or the fact that it was going to be introduced.

**Exercise Two:**

Read the following short article. Re-write this article to make it more readable, grammatically correct, and effective in communicating its content. You will have 20 minutes to complete this exercise.

**Additional Flexible Spending Account Offered**

*A new benefit was collectively bargained for during the 1999-2000 bargaining process. These benefits will be available too many state employees. It has been approved for extension to non-contract employees by the Executive Council. However, it will not be available to UE/IUP members, although they can continue to enroll in the Dependent Care FSA. This new benefit, a Health Flexible Spending Account, provides a useful opportunity to use Pre-tax dollars to pay for eligible health expenses. These expenses must be those not reimbursed through their insurance coverage. Under this program, an employee may set aside a designated amount of salary (in pre-tax dollars). This set aside money, must be placed in a health account, then the employee is reimbursed for qualifying expenses.*

*A newsletter on this subject has been sent to all employees at there home. It included the Enrollment agreement Form. A completed form must be submitted to the employees' personnel assistant. The personnel assistant will figure out eligibility. Once the eligibility has been established, the personnel assistant will send for process the completed form to the contractor.*

**INSTRUCTIONS**

Use a personal computer to complete your responses to the attached exercises. When you have completed your responses, save them to the C: drive as #1 and your name and # 2 and your name.

After saving them, print your responses.

**EXAMPLE****Scoring Factors for the PIO Exercises**

Name \_\_\_\_\_ Date \_\_\_\_\_

**Exercise One:**

- |  |           |
|--|-----------|
| 1. Development of an appropriate strategy          | 1 2 3 4 5 |
| 2. Recognition of appropriate contacts in IPERS    | 1 2 3 4 5 |
| 3. Recognition of appropriate legislative contacts | 1 2 3 4 5 |
| 4. Clarity of expression, grammar, and punctuation | 1 2 3 4 5 |

**Exercise Two:**

- |                                     |           |
|-------------------------------------|-----------|
| 1. Clarity of expression            | 1 2 3 4 5 |
| 2. Grammar                          | 1 2 3 4 5 |
| 3. Punctuation                      | 1 2 3 4 5 |
| 4. Spelling                         | 1 2 3 4 5 |
| 5. Recognition of key content areas | 1 2 3 4 5 |
| 6. Sequencing                       | 1 2 3 4 5 |

## CHAPTER 14 BACKGROUND CHECKS

### What are they?

Background checks are any investigation of applicant background such as, but not limited to, arrest or conviction records, fingerprint records, driving records, financial or credit records, and child or dependent adult abuse. These checks are conducted in addition to normal reference checks and can be conducted either before or after an in-depth interview.

### Why conduct background checks?

Background checks can be used when filling any position. They are most often used when duties of the position, when not properly performed, can raise liability issues over errors in performance or improper conduct. Employers must be aware that there can be costs associated with obtaining background check information. These costs can vary, but usually are in the nominal area (\$10-\$50 per applicant).

Background checks are often used to gather job-related information about applicants not available through other means. Such checks allow the employer a chance to determine if applicants have misrepresented their qualifications and background. This information is useful in making final decisions about applicants, based on their past actions.

Background checks, when properly applied, can provide some protection for the employer against hiring negligence claims. This type of claim occurs when an individual alleges that the employer was negligent because they hired someone who subsequently performed an action that caused some type of physical, emotional, or monetary injury associated with their employment. Usually, this type of claim is more likely to be upheld if there is evidence that the employer could have readily obtained the information if a proper check of the applicant's background had been performed.

### Cautions/Legal constraints:

Background checks, when they are not job-related or a business necessity, or when they are improperly applied, or information obtained is either used improperly or not maintained as confidential information, can expose the employer to claims from the applicant.

Various laws have been passed to protect the rights of individuals whose backgrounds may be investigated. Some of these include:

The Privacy Act of 1974: This federal law applies to government entities. It requires a signed release from a person before information about that person can be given to another person.

The Fair Credit Reporting Act: This act covers use of consumer reports. Consumer reports are defined broadly as personal and credit characteristics, character, general reputation, and lifestyle. To be covered by this act, a report must be generated by a consumer reporting agency. Even reference checks can be covered if the employer uses a reference checking or other employment agency to conduct the reference checks.

Key provisions of the act include:

- Before you can get a consumer report for employment purposes, you must notify the individual in writing, in a document consisting solely of this notice, of your intent.

- Before you take an adverse action, you must give the individual a *pre-adverse action disclosure* that includes a copy of the consumer report and a summary of the individual's rights under the act. The consumer reporting agency you use should provide the summary of consumer rights.
- After you have taken the adverse action, you must give the individual notice (orally, in writing, or electronically) that the action has taken place. This is called an *adverse action notice*. It must include:
  - The name, address, and phone number of the consumer reporting agency used. A statement that the agency that supplied the report did not make the decision to take adverse action, and cannot give specific reasons for it.
  - A notice of the individual's right to dispute the accuracy or completeness of any information furnished and the right to an additional free consumer report from the agency upon request within 60 days.

If these procedures are not followed, the applicant can sue employers in federal court for damages and can recover court costs and legal fees.

### **Requirements for using background checks:**

Under administrative rule 11 IAC 52(8A), several requirements are associated with the use of background checks.

- Background checks are defined as examinations, as are all other screening tools used to make employment decisions. As such, they must be documented as job-related and a business necessity.
- Information obtained in the background check is confidential information and must be maintained in records as such.
- Use of background checks must be authorized by the Director of the Department of Administrative Services.
- Arrest information, unless otherwise required by law, shall not be used.
- Each person investigated must be informed that he/she is subject to the background check as a condition of employment.
- The information must be available to the applicant, unless otherwise provided by law.
- The applicant must sign and date an authorization to conduct the check.
- The hiring department must provide to the Director of the Department of Administrative Services information about the process that includes the number of applicants for each job, name, social security number, type of check and the result.
- Documentation of the job-relatedness and business necessity of the check.

### **Sources of information or background checking firms:**

The most common internal sources of information used include using the Department of Public Safety to conduct criminal background checks and use of the Department of Transportation's Motor Vehicle Division to provide records on driving.

Numerous private agencies are available on a fee-for-service basis. Internet listing examples include:

<http://www.emc-corp.com/>

<http://www.crimcheck.com/>

**These are examples only. They are not intended as endorsements.**

**EXAMPLE****BACKGROUND AUTHORIZATION FORM****NOTICE OF DISCLOSURE OF IDENTITY AND CONSENT TO CONTACT  
REFERENCES AND CONDUCT BACKGROUND INVESTIGATIONS**

Thank you for submitting application materials to become a \_\_\_\_\_ for the Iowa Department of \_\_\_\_\_.

The State of Iowa may be requested under Iowa's Fair Information Practices Act, Iowa Code Chapter 22, to provide your identity and other relevant public information about you to members of the public or the press. The State has a duty to promptly respond to such requests for public information and is prohibited from withholding such information. Relevant public information about you cannot be held as confidential and may be disclosed without your consent. By executing this document, you hereby release the State of Iowa, the hiring department, and the Iowa Department of Administrative Services – Human Resources Enterprise, its agents, representatives, and employees from any prior request you may have made for confidentiality of your identity and relevant public information about you regarding your candidacy for the position of \_\_\_\_\_.

By executing this document, you hereby give your consent to the State of Iowa, its agents and representatives to contact references, to conduct other background checks on you, and to verify your current and prior employment for evaluating your qualifications for the position of \_\_\_\_\_. A review of the Department of Human Services Central Abuse Registry, and a Department of Public Safety Division of Criminal Investigation records check are conducted as part of the background check to meet legal requirements for employment in this job.

This consent is limited to this job title and does not extend to any other job class within state government for which you may have submitted an application.

Your full legal name, social security number and date of birth will only be used to conduct the investigations listed above. This information will be kept confidential and used for no other purpose.

\_\_\_\_\_  
PRINT FULL LEGAL NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SOCIAL SECURITY NUMBER

\_\_\_\_\_  
DATE OF BIRTH

\_\_\_\_\_  
DATE

**The State of Iowa is an Equal Employment Opportunity/  
Affirmative Action Employer**

## CHAPTER 15 REFERENCE CHECKS

### What are they?

**Reference Checks:** Reference checks are made to verify information that is supplied by the applicant such as previous education and work experience. As a result, applicant information is clarified, inaccurate statements are identified, and a more informed selection decision can be made.

**Reference Requests:** Reference requests are received from prospective employers concerning current or former state employees to verify previous employment, education, and other information for the same purpose as reference checks. This policy outlines the type and scope of information that may be released.

Reference checks and requests are separate and distinct from background checks. Background checks constitute an examination within the meaning of rules 11 IAC 52, 161 IAC 8.1(1) and Iowa Code chapter 8A. As such, they take on a pass/fail characteristic. These types of background checks or examinations include, but are not limited to, checks of arrest and conviction records, fingerprint records, driving records, financial or credit records, and child or dependent adult abuse records.

### Why do them?

Checking references is an important and necessary step in the selection process. When conducted carefully and legally, they improve the quality of hiring decisions and minimize the State's exposure to legal liability. The purpose of this section is:

- To inform departments of the State's policy on conducting reference checks.
- To detail procedures about how to conduct reference checks legally.

### Reference Checks:

The State of Iowa "Application for Employment" includes the following statement:

*By signing this Application for State Employment, I am consenting to any reasonable inquiry that may be necessary to verify the information I have provided on this form or that I may otherwise provide in conjunction with my application for state employment.*

*Further, I acknowledge that I have read and understand the information on page 2 and certify that all statements made on this application for state employment are true.*

### Preparing for Reference Checks:

Prior to conducting reference checks, the state supervisor should fully understand the job for which candidates are being sought. Position Description Questionnaires, Job Class Descriptions, essential functions, required competencies, and any other pertinent material relating to the job such as licensure and certification requirements should be reviewed before reference checks are begun.

### Reference Checks--Essential to the Selection Process:

Reference checks are a segment of the selection process and must, therefore, be given the same care and preparation as application review processes, screening devices, and interviews.

Reference checks should also be conducted only by employees trained or experienced in legally correct interviewing techniques. (Refer to Chapters 18 and 19, “Interviewing” and “Avoiding Discrimination in the Interview,” for a guide to correct interviewing).

Reference checks are conducted to accomplish the following:

- Verify general application information about an applicant, such as dates of employment, salary, positions held, professional credentials, evaluations of job performance and reason(s) for leaving previous employment.
- Verify the applicant’s job experience.
- Verify whether the applicant can perform the essential functions of the job and meet the related qualifications.
- Evaluate the degree of supervision the prospective employee may need.
- Identify work habits that could be detrimental or costly to the employer, or performance limitations that may need to be monitored if the applicant is hired.
- Identify personal qualities that might have a direct connection to job performance.

### Steps in Conducting Reference Checks:

- Verify that the applicant has signed a consent statement before initiating a reference check. This statement is on the State of Iowa “Application for Employment.” You may use a separate document for the same purpose.
- Verify factual information on the application, such as job duties and dates of employment.
- Prepare a list of job-related questions for the reference check interview. To ensure that the questions are job-related, focus questions on the essential functions and required competencies of the position. The term “essential functions” means those functions that an individual must be able to perform in order to hold the position. Essential functions focus on what must be done on the job, not on how it is to be done. (Refer to: “Establishing Job Requirements,” Chapter 4.)
- Be prepared to provide the former employer with a release of information signed by the applicant. The following is a sample “Release of Information” statement:
  - *The Search Committee may wish to contact the references provided by you, to conduct other background checks, or to verify your current and prior employment. By executing this document, you hereby give your consent to the Search Committee, its agents and representatives to contact your references, to conduct other background checks and to verify your current and prior employment for the purpose of evaluating your qualifications for the position of \_\_\_\_\_. This consent is limited to this position and does not extend to any other position within state government for which you may have submitted an application.*
  - *Your full legal name, social security number and date of birth will only be used to conduct the investigations listed above. This information will be kept confidential and used for no other purpose.*
- Ask open-ended questions that allow for a response other than Yes or No. For example, “Tell me about the attendance of...”
- Decide if you want to include one general “catch-all” question, such as, “Is there any other information pertinent to this applicant’s job performance which we haven’t covered?”
- Ask each reference contacted the same questions.

- Do NOT request any information about an applicant from former employers or other sources that, as a prospective employer, you would be prohibited from asking the applicant directly. For example, discriminatory questions such as those noted in Chapter 20 typically single out a particular applicant group and, while these requests may seem fair, they may have an adverse impact on groups traditionally discriminated against.
- Applicants may be asked whether they can perform the essential functions of a job with or without a reasonable accommodation, however, the employer may NOT ask questions during reference checks concerning the nature or severity of an applicant's disability, illness, or workers' compensation history.
- Keep in mind that an applicant will seldom provide individuals for references who will offer unfavorable opinions. A signed release form from the applicant allows you to contact other reference sources. Use of other sources should be included to increase the chances for a balanced accounting of the applicant's strengths and weaknesses. This can be especially true when the information received is vague and noncommittal, includes only all positive or all negative comments when describing the applicant's job performance, or the credibility of the information is questioned.
- Document information received from each reference source.
- Include names, the relationship to the applicant (former supervisor, etc.), telephone numbers, dates contacted and responses to the questions.
- Retain this documentation, along with related hiring information, such as certification lists and interview notes, for a period of three years following a hiring decision. If litigation occurs, this documentation will need to be retained indefinitely.
- Use direct quotes whenever possible.
- Complete the notes as soon as possible after the check has been made to capture the response as closely as possible.
- Notify the DAS-HRE Personnel Officer if there is a discrepancy between the information received from the reference checks and the information provided by the applicant. Although checks should be completed prior to hires being made, a DAS-HRE Personnel Officer should also be notified at any time if a discrepancy is discovered after hires are made.
- Treat the information obtained from the reference check with the same degree of confidentiality as you would treat information received from an applicant interview.

### **Reference Requests from Prospective Employers:**

All employers face the same responsibility to ensure that applicants meet the requirements of the jobs for which they apply. Consequently, prospective employers conduct reference requests for the same reasons as those noted at the beginning of this section. Iowa Code Section 91B.2 permits the release of work-related information to prospective employers and, under certain conditions, provides immunity from civil liability. Current or former employers that provide reference information will be immune from civil liability if they act in good faith to identify the prospective employers requesting the references and act reasonably in providing the reference information requested.

An employer acts unreasonably if:

- The work-related information violates a civil right of the current or former employee.
- The work-related information is knowingly provided to a person who has no legitimate and common interest in receiving the work-related information.
- The work-related information is not relevant to the inquiry being made, is provided with malice, or is provided with no good faith belief that it is true.
- Under Iowa Code Section 730.1, however, it is a serious misdemeanor for any person, agent, company or corporation, after having discharged any employee from service, to prevent or attempt to prevent, by word or writing of any kind such discharged employee from obtaining employment with any other person, company or corporation, except by furnishing in writing, on request, a truthful statement as to the cause of the person's discharge. So, it is extremely important that responses to requests from prospective employers be factual, work-related and in direct response to questions asked. Opinions and unsolicited information should not be disclosed.

### **Release of Information Upon Employee Request or Authorization:**

The preferred method for the release of reference information to prospective employers is to first obtain a written authorization from the current or former employee. A copy of the inquiry and authorization should be maintained along with a copy of the information released. It is recommended that the information given to a prospective employer be in writing. This will serve as a record of the inquiry as well as the response, should it be challenged at a later date.

### **Release of Information to Prospective Employers:**

While our preference is to require all requests for employee reference information to be accompanied by a written authorization, a prospective employer may contact the state supervisor directly and without written authorization of the employee. If a prospective employer initiates an inquiry by phone, the prospective employer should be requested to place the inquiry in writing in order that the appropriate information is gathered and an accurate response is provided in writing. The written request can be faxed to the current or former supervisor. Ask the prospective employer if the applicant has signed a release of information and, if not, whether the prospective employer would be willing to obtain one from the employee. If the prospective employer cannot furnish an authorization from the current or former employee, you must first, in good faith, believe that this person is a prospective employer or a representative of a prospective employer before consideration is given to releasing any type of work-related information.

In responding to prospective employers, keep in mind the following:

- Do not provide unsolicited information or personal opinions to a prospective employer. Information released to a prospective employer should be in direct response to an inquiry. For example, a prospective employer may inquire about an applicant's attendance. Records showing the actual days absent due to sick leave may be provided, but a judgment about whether this would be acceptable to the prospective employer should not be made. Let the prospective employer draw his or her own conclusions from the factual information that is provided.
- Do not provide information on the sex, age, race, marital status, medical condition or disability of a current or former employee.
- Do not provide information concerning a current or former employee's personal life or make judgments on the person's character.

- Do not make “off-the-record” comments.
- Do not provide any information to anyone who has not reasonably identified himself or herself as a prospective employer. Request that an authorization be signed by the applicant and that the inquiry be made in writing. If a person identifying himself or herself as a prospective employer will not provide a business phone number and address and states that information can only be accepted over the phone, careful consideration should be given to whether any information should be provided. When in doubt, it may be appropriate to limit the information provided to only the dates of employment, last salary and job title.
- Contact your Personnel Officer for advice if you have received a suspicious request for references or if you have questions about the propriety of releasing certain information.

**Requests From Other State Departments:**

All departments within the Executive Branch of state government are under the same employer. Departments must share factual, work-related information with authorized representatives of other departments who request to review the records of applicants for positions in their agencies. Such records should include performance evaluations, disciplinary records, attendance and absenteeism records, and other applicable personnel documents.

**EXAMPLE****Reference Check - Public Information Officer****Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_**Reference Contacted:** \_\_\_\_\_**Person Conducting Reference Check:** \_\_\_\_\_

Describe your relationship to the candidate. Did you directly supervise her/him?

Describe the duties for which this person was responsible.

(Give a brief description of the position.) Describe the competencies you have observed the applicant demonstrate that relate to the requirements of this position. Describe how the candidate has successfully demonstrated the communication skills required to manage a complex public information program.

Describe the experience and abilities of the candidate that demonstrate his or her ability to work effectively with diverse groups, including the legislature, the Governor's Office, boards, commissions, elected officials, interest groups, and the public.

Describe the kinds of experience the candidate has in representing a department, business, or program with the legislature. Tell me how this was effective or ineffective.

Describe how the candidate works collaboratively with other staff on a team when completing a project, including his or her leadership and team member tendencies.

How would you describe the candidate's ability to listen to input, analyze that information, and develop a thoughtful response?

How would you describe the candidate's ability to use technology in communicating information?

How would you describe the candidate's ability to produce quality work and meet production deadlines? How would you describe the candidate's attendance?

Is there anything that we should know about this candidate as we consider him/her for a sensitive position working closely with the Governor's staff, the Iowa legislature, other departments and the public?

Would you recommend this candidate for hire? Why?

## CHAPTER 16 TELEPHONE INTERVIEW

### What is it?

A telephone interview is an initial interview administered to a previously screened pool of applicants over the telephone.

### Why conduct an interview over the telephone?

A telephone interview can serve as a valuable tool to screen a number of candidates down to a high quality pool for on-site interviews. It can save time and expenses. It can be a useful tool if you have out-of-state applicants that are more likely to stay involved in the process if they do not have to travel to Iowa for an initial interview. Having an initial interview can also provide more information about applicants than would be available if only one on-site, face-to-face interview is performed.

### Issues to be aware of:

- All applicants should be treated the same at each step of the screening process. This means that all applicants still available to be screened to that point should be given a telephone interview, if that approach is to be used. It would be very difficult to defend an applicant challenge that alleges they were treated differently and had different results that prevented them from being hired if some applicants were interviewed over the telephone and some applicants were interviewed face-to-face.
- Sometimes it is valuable to be able to see candidates in a face-to-face situation before they are screened down to the group of final candidates. Non-verbal clues are evident on-site that can't be observed over the telephone. Be aware that the non-verbal observations also must be about job-related requirements.
- Answers must be recorded and scored in the same manner as in any other interview.
- Telephone interviews can be a valuable tool to use in that they force the interviewers to listen carefully to the content of answers without some of the possible visual distractions in a face-to-face interview.

### Content and Procedures:

- Questions can be designed to verify information provided on the resume, any previous written exercises required, and to obtain additional information about the candidate.
- Interview questions not specifically pointed at verifying applicant-specific information should be standardized and applied to each applicant.
- Questions not verifying applicant information can use several formats. The best formats are usually behaviorally based where applicants are asked to cite examples of their own behavior or are asked to respond to a specific situation. The interviewer should try to avoid asking hypothetical questions like "What would you do in the following situation?" This type of question is not objective and there are no right answers.
- All questions used must be job-related. They must be able to demonstrate they provide information about competencies required to actually perform the essential functions of the job.
- Candidates to be interviewed should be contacted before the actual interview to schedule the interview.

- Use of two or three interviewers is recommended.
- Immediately after the interview is conducted, the group should discuss the interview and reach a general consensus about the quality of the applicant.
- When all applicants have been interviewed, a ranking of candidates should be prepared for use by the group that will be conducting final interviews.
- The actual telephone interview should be started with introductions of all parties involved and a brief explanation of the process to be followed.
- When the interview is over, it is advisable to inform the candidate when they will be contacted to inform them of their status for final interviews.
- All records of interviews must be retained for a period of at least three years.

**Example****Telephone Interview:****Applicant:** \_\_\_\_\_**Date:** \_\_\_\_\_ **Conducted By:** \_\_\_\_\_

Tell us about yourself. Why are you interested in this position? How has your education and experience prepared you for this position?

Tell us about a project you have worked on that produced an innovative result.

Describe your experience interacting with boards and commissions. What have you found to be the most important factors developing a successful relationship with them?

Describe the oral presentations you have made in the last six months.

What do you do to keep up-to-date in your field?

Describe your experience in using personal computers.

Describe your experience in working in a team. What role do you usually take?

What information about yourself that you would like us to know have we not covered?

Is there anything you would like to know about the position?

## CHAPTER 17 INTERVIEWING

We have a responsibility to hire well-qualified individuals to provide services to Iowa citizens. We also have an obligation to treat all applicants fairly and without prejudice. These obligations can be met only if we are knowledgeable of proper interview procedures and legal requirements, and properly apply that knowledge.

Before the interview begins, it is necessary to be well prepared by reviewing requirements of the specific position involved. If not already completed, a new Position Description Questionnaire (PDQ) that specifically identifies the ESSENTIAL FUNCTIONS of the position MUST be completed. The interview should be focused on determining how well each applicant is prepared to perform those essential functions and determining if they have the related competencies.

### General Considerations:

If an interview is to function smoothly, it must include consideration of the following:

- The estimated length of each interview depends, in part, upon the number of questions you need to ask in order to determine if the applicant can do the job or how well the applicant can do the job. Jobs that tend to involve routine and repetitive processes may require fewer questions and thus take less time. Jobs that are more developmental and conceptual may require either more questions or more time to respond to the types of questions asked. There is no absolute rule about interview length, but generally speaking, interviews for the first type of job described above could be handled in a half hour or less. Interviews for the second type of job described above may take a little longer, usually between thirty minutes to an hour. Interviews can last longer than an hour, but applicants tend to tire from intense questioning after that time, which may affect the quality of their responses. And, if you have several interviews to conduct in a short period of time, you may tire as well if each interview lasts longer than an hour. That could affect how you perceive and treat one of the latter interviewees versus one of the earlier ones.
- Unless you are under an extremely pressing deadline to complete interviews, don't attempt to do too many in any given sitting or day. It makes sense to try to schedule all your interviews in a short time frame so that you can remember each interview without intervening time frames affecting your memory, but too many to recall from any given period may affect your memory as well.
- There should always be a plan for how the interview should proceed. Who will meet the applicants? Where will applicants wait if they do not proceed directly to the interview? Who will explain the general process to be used? If more than one interviewer is present, what are their individual roles?
- Be sure to explain basic facts about the vacant position. What department is it in? What is the general function of the department? What division or unit is the position in? Where is the job located? Who will the supervisor be, etc.?
- Use basic written support materials when describing the job. The PDQ, with essential functions identified, is an important source of information.
- The interview setting should be pleasant, comfortable, and private. Distractions and interruptions should be avoided during the interview.
- Anyone involved in the interview must be trained and well prepared. All materials should be reviewed beforehand.

- The applicant should be told that notes are being taken. However, do not be so involved in taking notes that some of the content of the interview is missed.
- The interviewer should set the pace and direction of the interview. A list of questions should be prepared before the interview begins. All applicants must have the opportunity to answer the same questions. This does not prevent the interviewer from asking appropriate follow-up questions; however, too many follow-up questions not asked of all applicants has the danger of leading to unequal treatment. Do not lead the applicant toward the desired answer with your follow-up questions.
- Ask one question at a time. Pause before proceeding. Allow the applicant time to think before responding.
- Occasionally, applicants “freeze” or can’t respond immediately to questions. The interviewer may use his/her own judgment as to whether to proceed to the next question and return to the unanswered one later.
- Concentrate on listening to an applicant’s answers. This is especially important when interviewing several applicants in one day.
- Be relaxed. This will aid in communication and establish rapport with the applicant.
- Be careful during the process that NO oral commitments or recommendations about employment prospects are made. Tell applicants that they will be contacted as soon as the hiring decision is made to be told their status, i.e., be made an offer to hire or to be told they are not being offered employment at this time. As the interview is ending, give the applicant an ESTIMATE of the amount of time it will be before they will be notified. Applicants MUST be notified, preferably in writing, if they do not receive the position for which they interviewed.
- Complete your evaluation notes on the applicant while impressions are fresh. Immediately after the interview is best.
- Two-stage interview processes where a small group of finalists are interviewed a second time are advisable. Time and resource constraints will determine when this is practical.

### **Avoiding Sources of Interview Bias:**

A structured, job-related interview designed to assess applicants’ past experience and job-related background, conducted by a well-prepared individual or panel, is a more valid method of identifying quality applicants than unstructured interviews. A structured interview is one in which the interviewer is prepared with a list of job-related questions that are asked of all applicants.

Even when using a structured, well-prepared interview, it is necessary to be aware of possible sources of bias that can come into play during the process. These sources of bias should be avoided if the interview is to be successful. Sources of bias to avoid include:

- Halo effect: The interviewer lets one very good answer or applicant characteristics dominate the entire evaluation of answers.
- First impression: The interviewer makes a final decision about an applicant early in the interview and that decision is unchanged by additional responses, regardless of whether they are positive or negative.
- Similar-to-me: The interviewer tends to rate more favorably those applicants perceived to be similar to herself or himself.
- Contrast comparisons: The interviewer tends to judge applicants in comparison to each other rather than their ability to do the job or the quality of their answers.

- **Stereotyping**: The interviewer judges the applicant on the basis of his or her group membership, such as gender, race, age, or disability, rather than their job-related qualifications. In addition to being a poor interviewing practice, it is illegal job discrimination.
- **Trait evaluation**: The interviewer makes judgments about an applicant's personality traits based on behaviors observed in the interview, and that dominates evaluation of the applicant.
- **Last impressions**: The interviewer judges the applicant on the basis of their answers in the last part of the interview and not the entire interview.
- **Non-verbal behavior**: The interviewer uses the non-verbal behavior of the applicant as a heavily weighted part of the process. This can distract from the overall accuracy of the interview if it overrides evaluation of responses.

### **Documentation and Recordkeeping:**

When dealing with the above sources of bias, and to ensure adequate documentation and record-keeping, the interviewer should follow a structured process that includes the following:

- Use only questions from a pre-established list as the base for the interview.
- Use follow-up questions where required to get needed information or to clarify responses, but do not stray from the original purpose.
- Use a rating scale to evaluate applicant answers and to aid in making hiring decisions. For example, a five-point rating could be set up as follows:

5 = good answer  
4  
3 = acceptable answer  
2  
1 = poor answer

Know in general what constitutes a good answer, an acceptable answer, and a poor answer to your questions before you ask them. Use the five-point rating scale to identify the characteristics of answers at point five (good answer), point three (acceptable), or point one (poor answer) to improve the consistency and accuracy of evaluation of applicants. (Points four and two can be used for those answers that fall between the three identified points.)

Review the questions and response evaluation guides before the interview begins.

If an interview group is used, overall judgments about applicants should be reached through group discussion. One overall group judgment must be reached. A group can often make a better decision after discussion, because it can learn from the observations of its members. Simply averaging numerical ratings to reach a group decision leaves this important part of the group process out.

All judgments about applicants based on the interview must be documented. The United States Supreme Court in Watson v. Fort Worth Bank and Trust [487 U.S.977 (1988)] required that hiring authorities must be prepared to support all hiring decisions with specific facts. They must be prepared to show what screening factors were used, how they relate to the job, and how one candidate possesses more of the factor than another based on the results of the interview.

It is extremely important that you retain the following records in relation to the interview process:

- The interview questions asked of specific groups of applicants and individuals.
- The records of the interviewer's observations, showing the reasons from the content of the interview used to make the decisions about the applicant.
- The evaluation system used, showing how the answers were evaluated.

All records must be retained a minimum of three years in order to comply with federal and state requirements.

It is NOT appropriate to use a written test as part of an interview process. In this situation, a written test would be a section of an interview that contains a substantial number of test questions that require either multiple choice, fill in the blank, or essay answers. These questions are then objectively scored.

Use of written tests as part of an interview is not allowed under current policy because it exposes a department to much more liability for inappropriate use. Written tests are subject to much higher legal and professional standards for development and use than most interviews.

Under the "Federal Uniform Guidelines on Employee Selection Procedures," [http://www.dol.gov/esa/regs/cfr/41cfr/toc\\_Chapt60/60\\_3\\_toc.htm](http://www.dol.gov/esa/regs/cfr/41cfr/toc_Chapt60/60_3_toc.htm), all tests must be constructed in accordance with professional principles and are subject to validation methods as described in the guidelines. Detailed records of the impact of the test on protected groups must be maintained. These records should be used to calculate statistical tests for adverse impact on groups.

When adverse impact is present, a complete validation study is required by the guidelines. Lack of such a study in that situation can lead to major liability problems.

The tests must also be demonstrated as reliable. This is normally done through additional record keeping and the application of complex statistical formulas.

The exact method of administration of the questions is not always the key to when the legal and professional standards apply. It would not relieve that burden if the questions were kept exactly the same, but administered orally.

It is acceptable for an interview to contain short segments that are approached on a work sample basis. Applying a work sample generally involves asking some form of question or exercise that measures how proficient an individual is in performing a task that is representative of the work to be performed in a position. This is a demonstration of behavior that would normally be performed on the job.

This type of work sample is not vulnerable to challenge because it is easily demonstrated as job-related. Applicants are more likely to accept this type of question approach rather than the more indirect measures of job proficiency found in job knowledge tests.

Examples of work samples found as parts of interviews would include activities such as:

- Asking a candidate to actually write a short business letter.
- Giving the candidate a set of materials on a particular topic usually encountered in the job and asking for conclusions and/or recommendations.
- Giving the applicant a type of map or drawing encountered on the job and having them explain what it is or perform an exercise applying it.
- Giving the applicant a tool encountered in the job and having him/her apply that tool in a short exercise.

One key in including this type of job sample exercise in an interview process is to limit the number of such exercises to one or two. These should be exercises that will give you key information about job performance. Use of many such exercises will cause you to return to the realm of written tests and have all of the burdens and liabilities of using written tests.

### **Conducting the Interview:**

**For the interviewer, there are several areas of questioning that are appropriate for determining the applicant's ability to perform essential functions of a position. These include:**

- Past work experience (paid or volunteer)
- Military work experience
- Education and training
- Authorization to work in the United States (to comply with Immigration and Naturalization Service requirements)

### **Personal Characteristics Relevant to Performing Essential Functions:**

The Iowa Department of Administrative Services, Human Resources Enterprise, endorses and provides training in the use of behaviorally anchored questions as the best method of obtaining useful information about how the applicant is likely to perform in a position. A behaviorally anchored question is one in which the applicant is required to describe how he or she has "behaved" in the past when confronted with a particular job-related situation.

The interviewer must develop a list of behavioral questions related to skills needed to perform essential job functions before interviews for a position begin. (The "Position Description Questionnaire" for the position is a source for essential functions.)

Example: "It is essential in this position that you be able to write detailed technical reports about hybrid seed production. Please tell me about any such reports you have written in the past."

### **Essential Question for Every Interview:**

In order to ensure that every interview conducted in state government is conducted in compliance with the requirements of the Americans with Disabilities Act, EVERY interview must include the following question:

*"Can you perform the essential functions of this position with or without a reasonable accommodation?"*

This question can be included as an interview question or it can be asked in a written context that requires a yes/no answer with a signature and a date. Using the written approach has the advantage of supplying written documentation that the individual read and signed the material.

The written approach can be mailed to applicants to be interviewed with instructions to bring the form to the interview, or time can be allowed at the time of the interview to have the applicant read the material and sign the form outside the actual interview process. An example of this format is included in this chapter.

It is ILLEGAL and prohibited for any interviewer to directly ask an applicant if they have a disability. If the applicant indicates that they cannot perform an essential function without an

accommodation, you must proceed to a discussion of reasonable accommodations. The applicant is often the best source for what accommodations are needed and possible.

If the applicant indicates an accommodation is necessary, or has an obvious disability, the interviewer must follow-up by asking such questions as:

- What accommodation would be required?
- Have they had an accommodation that would allow them to perform the essential function? What was it?
- How was this provided?

The interview may be followed up by calling sources for accommodation help listed in Chapter 4.66, “Reasonable Accommodations,” in the Managers and Supervisors Manual. “Working with Persons with Disabilities: A Guide for State Managers and Supervisors,” is also available on the DAS-HRE website at:

[http://das.hre.iowa.gov/docs/AA-EEO/persons\\_with\\_disabilities\\_guidebook.doc](http://das.hre.iowa.gov/docs/AA-EEO/persons_with_disabilities_guidebook.doc).

Additional sources of help are also available, and many accommodations are relatively inexpensive.

Remember that discrimination against persons with a disability is expressly illegal under the Americans with Disabilities Act and the Iowa Civil Rights Act. All applicants can be questioned about their ability to perform essential functions. If there is a possibility that a person with a disability can perform an essential function with an accommodation, you are obligated to provide an accommodation unless it causes an undue hardship.

### **Interviewing Candidates with Disabilities:**

In 1990, the Americans with Disabilities Act was passed. This is an extremely important piece of legislation that expands the protections afforded persons with disabilities in employment and several other areas.

If a person with a disability applies, remember that person is like any job applicant. It is the interviewer’s responsibility to determine if the applicant is qualified, which must be done in the same way as with any other applicant.

Here are some tips to help the interviewer and the applicant feel at ease with each other:

### **Greeting the Applicant:**

For those who have not had close contact with a person with a disability, the first experience might be met with anxiety, e.g., “Am I going to say and do the right things?”

When in doubt as to whether to assist an individual with a disability, the questions, “May I be of assistance?” or “Is there anything I can do to make your visit more pleasant?” should break the ice and allow the applicant to tell you what, if anything, is needed.

Like all applicants, people with disabilities need to discuss their job-related assets and liabilities during the interview. Do not let the disability of an applicant distract your attention. Keep the interview focused on the applicant’s qualifications. When interviewing an applicant with a disability:

- Treat the applicant as you would any other person—don't be patronizing. If you don't usually address applicants by their first name, don't make an exception for applicants with disabilities.
- Always offer to shake hands. Do not avoid eye contact.
- If you feel it appropriate, offer the applicant assistance (for example, an individual with poor grasping ability has trouble opening a door), but don't assume it will necessarily be accepted. Don't automatically give assistance without asking first.
- Do ask job-related questions: "How would you perform this particular task?"
- Don't ask: "What happened to you?," or "How will you get to work?"
- Don't ask questions phrased in terms of the disability: "Do you have a mental condition that would preclude you from qualifying for this position?"
- Don't ask: "How often will you require leave for treatment of your condition?" However, do state the organization's attendance requirements and ask if the applicant can meet them.
- Don't start the interview by trying to elicit the applicant's needs for accommodation. The first part of the interview should focus on whether the candidate is qualified for the job in question. Focus on the applicant's ability first, disability second.
- Whenever possible, let the applicant visit the actual work station/site.

### **When Interviewing an Applicant Who Uses a Wheelchair:**

- Don't lean on the wheelchair.
- Make sure you get on the same eye level with the applicant if the conversation lasts more than a couple minutes.
- Don't push the wheelchair unless asked to do so.
- Keep accessibility in mind. (Is that chair in the middle of your office a barrier to a wheelchair user? If so, move it aside.)
- Don't be embarrassed to use such phrases as "Let's walk over to the director's office."

### **When Interviewing an Applicant Who Has Mental Retardation:**

- Use simple language, but don't resort to "baby talk."
- Speak at a normal volume.
- When giving directions or instructions, proceed slowly.
- Limit the number of directions in sequence.
- Ask the applicant to summarize the information you have given to make sure it was understood.
- Give positive feedback whenever possible and appropriate.

### **When Interviewing an Applicant Who is Blind or Visually Impaired:**

- Identify yourself and others present; cue a handshake verbally or physically.
- Use verbal cues; be descriptive in giving directions. ("The table is to your left.")
- Verbalize chair location, but do not place the person in the chair.
- Don't be embarrassed to use such phrases as, "Do you see what I mean?"
- Speak at a normal volume.
- Offer assistance in travel; let the applicant grasp your left arm, usually just above the elbow.
- Do not touch an applicant's cane. Do not touch a guide dog when it is in harness. In fact, resist the temptation to pet a guide dog.
- Offer to read information, and if the applicant needs to sign anything, indicate to them where to place their signature.

**When Interviewing an Applicant Who is Deaf or Hearing Impaired:**

- It is courteous to ask the preferred mode of communication, i.e., speech reading, voice, written, sign language.
- If the applicant is speech reading, enunciate clearly, always face the person, keep your mouth clear of obstructions and place yourself where there is ample lighting. Do not exaggerate mouth movements. Speech reading is a difficult art. Many speech sounds do not appear in a visible way. Thus, the most accomplished speech reader may not clearly understand all speech. Be prepared to repeat or rephrase comments.
- Keep in mind that the best avenue of communication for a deaf person is through the eyes. Gestures, facial expressions, and written communication are often useful. Some deaf persons may find English to be difficult. Communication may need to be rephrased and language constructs kept simple.
- If you don't understand what an applicant is telling you, don't pretend that you did. Ask the person to repeat sentence(s). Likewise, applicants should be made comfortable to ask for repeated communication, when necessary.
- If a sign language is preferred, a qualified sign language interpreter should be obtained. Keep in mind that the interpreter's job is to facilitate communication, not to get involved in the interview in any other respect. Always speak directly to the applicant. Do not say to the interpreter, "Tell her that...."
- Normally, the employer would provide the interpreter to ensure neutrality.

Following these guidelines for conducting interviews will make the process flow better and result in gathering more useful job-related information that can be used to identify the best applicants.

**EXAMPLE****Essential Function Review**

**After reviewing the list of essential functions required for the position of \_\_\_\_\_, answer the following question:**

Based on the list of essential functions provided, can you perform the essential functions of this position with or without reasonable accommodations? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

---

Signature

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Date

This form should be returned to \_\_\_\_\_ by \_\_\_\_\_ (date) at the address listed below:

**EXAMPLE****Public Information Officer Interview**

**Name** \_\_\_\_\_ **Date** \_\_\_\_\_

How would you start to develop a public relations and marketing program in an organization that has never had one?

Describe a report you have written in which you analyzed a complex problem and made recommendations. How did you arrive at the recommendations? How would you ensure that readers, who are not experts in the topic, would understand the information?

What are the most important elements for developing an effective relationship with legislators and their support staff?

A legislator is on the phone with you explaining that she has received several complaints from her constituents about not being hired by the state. How would you respond?

Describe a situation where you made an error. What did you do about it? What did you learn?

What training do you think is most important to being successful in this position? Describe which of these training elements you have had and which you would need if you were to be hired. What self-development activities have you undertaken during the last several years?

What elements should be included when designing a strategic marketing plan?

**(This interview assumes the use of the preceding example, with a signed form for reviewing the essential functions, rather than incorporating the question in the interview.)**

**EXAMPLE****Five Point Rating Scale for Individual Questions**

- 5    Excellent applicant answer: Demonstrated a high level of competency/experience in this area.
- 4
- 3    Acceptable answer: Demonstrated an acceptable or average amount of competency/experience in this area.
- 2
- 1    Completely unacceptable answer: Has not demonstrated any competency/experience in this area.

Points 4 and 2 are to be used where answers are judged to fall between the definitions provided.

**Use of this scale can be improved by listing specific job-related examples for each of the scales defined.**

## CHAPTER 18 AVOIDING DISCRIMINATION IN THE INTERVIEW PROCESS

Discrimination in hiring practices is illegal in Iowa under a variety of federal and state laws and Governor's Executive Orders.

### **Discrimination Under Federal Law:**

Federal law covers several areas of discrimination.

- The Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of sex, race, color, religion, or national origin. Title VII of the Act deals with employment.
- The Age Discrimination in Employment Act of 1967 prohibits discrimination on the basis of age.
- The Rehabilitation Act of 1973 provides for equal employment opportunity for persons with physical or mental disabilities and requires reasonable accommodations.
- The Americans with Disabilities Act of 1990 expands the protections afforded persons with disabilities into all levels of government employment and service.

### **Discrimination in Iowa:**

State law and Executive Policy also prohibit discrimination.

- The Iowa Civil Rights Act of 1965 prohibits discrimination based on race, color, age, sex, religion, creed, national origin, and mental or physical disability.
- Chapter 19B of the Iowa Code establishes the Executive Branch not only as an Equal Employment Opportunity Employer, but as an Affirmative Action Employer.
- Executive Orders, issued by the Governor, continue the tradition of commitment to fair and equal treatment by the Executive Branch.

### **Areas to Avoid:**

Employees must be selected based on their demonstrated knowledge, abilities, skills, and behavioral characteristics (competencies) required to perform actual job duties. It is very difficult for an employer who has included questions that are not job-related in an interview to prove that the information from those questions was not used in making a final hiring decision.

Appointing authorities must avoid areas that are not job-related when interviewing. Areas listed below could be considered discriminatory and must also be avoided.

### **Age and Date of Birth:**

**The Age Discrimination in Employment Act (29 U.S.C. 621-34) prohibits discrimination on the basis of age against individuals who are 40 years of age or more.**

In Iowa, the prohibition is broader than that imposed by federal law. The Iowa Civil Rights Act prohibits discrimination based on age against individuals who are age 18 and older.

Asking applicants what years they attended school or what year they graduated could be interpreted as a method of discriminating against them based on age.

**Arrests:**

An arrest is no indication, whatsoever, of guilt. Historically, persons of color have suffered disproportionately more arrests than others and, accordingly, the courts have held that without proof of business necessity, an employer's use of arrest records to disqualify job applicants is unlawful discrimination. See Carter v Gallagher, 452, F.2d 315 (8th Cir, 1971); Gregory v Litton, 472 F.2d 631 (9th Cir, 1972). The Equal Employment Opportunity Commission has ruled that, even if an employer does not consider arrest information, simply requesting such information tends to discourage minority applicants and is, therefore, illegal.

**Child Care and Contraception:**

These questions are usually used to explore what the employer believes to be a common source of absenteeism and tardiness. Why explore this area in such an indirect way, and in a way which, for all practical purposes, applies only to women? The U.S. Supreme Court has ruled that in the absence of proof of business necessity, Title VII prohibits an employer from having one hiring policy for women and another for men - each having pre-school age children. Phillips v Martin Marietta Corp., 400 U.S. 542 (1971).

**Citizenship and Immigration:**

The EEOC has adopted "Guidelines on Discrimination Because of National Origin" which contains the following statement: "Because discrimination on the basis of citizenship has the effect of discriminating on the basis of national origin, a lawfully immigrated alien who is domiciled or residing in this country may not be discriminated against on the basis of his (sic) citizenship," except pursuant to national security requirements required by a federal statute or executive order. In other words, an applicant who is not a citizen, but is legally authorized to work in this country, has a right to an equal opportunity to be employed.

**Eligibility to Work and Identity:****Purpose:**

The Immigration Reform and Control Act requires that all employers and agencies that recruit for a fee verify the identity and eligibility to work of each person to be hired. Before hiring takes place, the applicants must be required to document their identity and eligibility to work in the United States. Records of the documentation must be maintained.

**Establishing Identity and Authorization to Work:**

Documenting identity and employment eligibility is not difficult. An applicant who produces a valid driver's license and an original Social Security card has met the requirements.

Any one of the following five documents will establish BOTH identity and eligibility to work:

- U.S. Passport.
- Alien Registration Receipt Card or Permanent Resident Card (Form I-551).
- A foreign passport with a Temporary I-551 stamp.
- An Employment Authorization Document (EAD) issued by INS which contains a photograph (Form I-766, Form I-688, I-688A, or I-688B)
- In the case of a non-immigrant alien authorized to work for a specific employer incident to status, a foreign passport with Arrival-Departure Record (Form I-94) bearing the same name

as the passport and containing an endorsement of the alien's non-immigration status, so long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the Form I-94.

Another approach is to use two documents: one establishing identity and the other demonstrating eligibility to work.

**Documents That Establish Identity Are:**

- State-issued driver's license
- State-issued identification card with photo
- U.S. military card

**Documents That Demonstrate Employment Eligibility Are:**

- Birth certificate
- Original social security card
- Unexpired employment authorization issued by the U.S. Immigration and Naturalization Service

A complete list of documents that are acceptable as proof is available from your nearest office of the Immigration and Naturalization Service (INS) or online at:

<http://uscis.gov/graphics/formsfee/forms/files/i-9.pdf>.

The law recognizes that certain federal, state or local laws, regulations or executive orders may require that certain jobs be filled only by U.S. citizens.

**I-9 Requirements:**

The completion of Form I-9 is required for verifying that employees are eligible to work in the United States. You should have completed a Form I-9 for everyone you have hired after November 6, 1986. The I-9 must be completed within three working days. The law requires that the employer:

- Ensure that your employees fill out Section 1 of the Form I-9 when they start work.
- Review document(s) establishing each employee's identity and eligibility to work.
- Properly complete Section 2 of the Form I-9. (Completion of the I-9 process must be done in the presence of the employee.)
- Retain the form I-9 for 3 years after the date the person begins work or 1 year after the person's employment has been terminated, whichever is later.
- Make the I-9 available for inspection to an officer of the Immigration and Naturalization Service, the Department of Labor, or the Office of Special Counsel for Immigration Related Unfair Employment Practices upon request.
- Honor the documents required for verification only, additional documents cannot be required.
- Individuals must not be discriminated against on the basis of national origin or citizenship.

Limited numbers of I-9 forms can be obtained from the INS. You may also order them in bulk from the Superintendent of Documents at the following address:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

### **Background and Reference Checks (See also Chapters 15 and 16):**

Background and reference checks can be very useful tools in obtaining information about applicants before they are hired. These tools must, however, be used properly by employers. Information requested must be related to job performance. In general, this means you must not ask for information that you could not directly ask an applicant.

If an employer uses an outside firm to conduct background checks, the employer should assure that this firm complies with the Americans with Disabilities Act of 1990 (ADA) prohibitions on pre-employment inquiries. Such a firm is an agent of the employer. The employer is responsible for actions of its agents and may not do anything through a contractual relationship that the employer may not do directly.

An employer may not ask previous employers or other sources about an applicant's health or medical history before making a conditional offer of employment. Topics that should not be covered before the conditional offer involve questions about:

- Disability
- Illness
- Workers' compensation history
- Medical history

### **A previous employer may be asked about:**

- Job functions and tasks performed by the applicant
- Quality and quantity of work performed
- How job functions were performed
- Attendance record
- Job-related issues that do not relate to disability

If an applicant has a known disability and has indicated the ability to perform a job with a reasonable accommodation, a previous employer may be asked about accommodations made by that employer.

### **Use of Native Language:**

Both the EEOC and the courts have interpreted Title VII as barring language policies that require speaking only English on the job, unless the policy can be justified by a bona fide occupational qualification (BFOQ) or by business necessity, such as safety, or communication with customers, co-workers, or supervisors. A rule prohibiting speaking of another language on the job is not valid if the employer fails to establish a business necessity.

A foreign accent that does not interfere with the worker's ability to perform the job duties is not a legitimate justification for an adverse employment decision. (Carino v Univ. of Okla. Bd. of Regents, 36 FEP Cases 826.) For more information on this topic, see:

<http://www.eeoc.gov/policy/docs/national-origin.html>.

**Convictions (Other than Traffic):**

Federal courts have held that a conviction for a felony or misdemeanor may not, by itself, lawfully constitute an absolute bar to employment. An employer may consider the relationship, or nexus, between a conviction and the applicant's fitness for a particular job. See Carter v Gallagher, supra.; Green v Missouri Pacific RR Co., 523 F.2d 1290 (8th Cir, 1975).

These decisions indicate that conviction records should be cause for rejection only if their number, nature and recency would cause the applicant to be unsuitable for the position. If such inquiries are made, they should be accompanied by a statement that a conviction record will not necessarily be a bar to employment, and that factors such as age and time of the offense, seriousness and nature of the violation, and rehabilitation will be taken into account.

**Disability and Health Questions:**

Employers have a legitimate concern in hiring employees who are physically and mentally able to do their jobs. Employers also have a monetary stake in the related costs of health insurance and workers' compensation insurance. At the same time, many persons have been screened out from employment because of real or perceived physical or mental conditions that may not be related to their ability to perform the work.

Under the Americans with Disabilities Act of 1990 (ADA), it is unlawful to ask whether an applicant is disabled or about the nature or severity of a disability. This prohibits disability questions on application forms, during job interviews, or in background or reference checks. You may ask an applicant questions about the person's ability to perform the essential functions of the job. (See the essential function question that should be asked for every interview earlier in Chapter 18.) You may also ask an applicant to describe or demonstrate how, with or without reasonable accommodation, he/she will perform job-related functions.

An applicant or employee must be qualified for the job, that is, must satisfy the job requirements for educational background, employment experience, skills, licenses, or other job-related qualification standards. The ADA does not interfere with your right to hire the best qualified applicant. Nor does the ADA impose any affirmative action obligations. The ADA simply prohibits you from discriminating against a qualified applicant or employee because of a disability.

Under the ADA, a disability is defined as a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of such an impairment or who are regarded as having such an impairment. The Act makes it unlawful to discriminate against a qualified applicant or employee because of the disability of an individual with whom the applicant or employee is known to have a family, business, social or other relationship or association.

**Reasonable and Necessary Accommodations:**

**If the information provided voluntarily by the applicant, or the results of a physical examination given after the job is offered and prior to the commencement of employment, indicates a disabling condition, then the employer must consider what, if any, accommodations need to be made so that the person can be employed. The Iowa Civil Rights Act and the Americans with Disabilities Act of 1990 (ADA) require employers to make reasonable accommodations to the known physical or mental limitation of a qualified,**

**handicapped applicant or employee, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of its business.**

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- Acquiring or modifying equipment or devices.
- Job restructuring.
- Part-time or modified work schedules.
- Reassignment to a vacant position.
- Adjusting or modifying examinations, training materials or policies.
- Providing readers and interpreters.
- Making the workplace readily accessible to and usable by people with disabilities.
- Considering placement in another vacant position for which the individual qualifies.

### **Medical Examinations:**

Under the Americans with Disabilities Act of 1990 (ADA), it is unlawful for the employer to require an applicant to take a medical examination before making a conditional job offer. After a job offer is made and prior to the commencement of employment duties, an applicant may be required to take a medical examination if everyone who will be working in the job category must also take the examination. The job offer may be made on condition of the results of the medical examination. However, if an individual is not hired because a medical examination reveals the existence of a disability:

- The employer must be able to show that the reasons for exclusion are job-related and necessary for the conduct of business.
- The employer must also show that there was no reasonable accommodation that would have made it possible for the individual to perform the essential job functions.

### **Alcohol and Drug Abuse:**

In dealing with alcohol or drug abuse, a distinction needs to be made between a history of and recovery from such abuse, and current abuse of alcohol or drugs. Under state and federal law, recovery from alcoholism or drug addiction is considered a covered disability. An applicant should not be rejected from employment solely because of a history of, and recovery from, drug or alcohol abuse.

Under the Americans with Disabilities Act of 1990 (ADA), an individual who is a current alcohol or drug abuser is specifically excluded from coverage, if the current drug or alcohol abuse prevents an employee from performing the duties of the job or if the current abuse would constitute a direct threat to the property or safety of others. The Iowa Administrative Code [161IAC8.27(1)(b)] also allows an employer to reject an applicant whose disability, in this case alcoholism or drug addiction, would create a danger to the life or health of co-employees.

The Drug-Free Workplace Act of 1988 requires that employers having federal contracts of \$25,000 or more or receiving federal grants to establish a drug use policy, maintain drug-free

awareness programs, and require employees to report to the employer any criminal drug law convictions for violations that occur in the workplace.

**AIDS:**

AIDS (Acquired Immune Deficiency Syndrome), ARC (AIDS-Related Complex) and testing HIV (Human Immunodeficiency Virus) positive have become matters of concern for employers because of fears about communicability. Present research shows that there is no transmittal of the disease through casual contact, and that while there is a slight risk of infection through contact with body fluids, precautions can be taken to reduce that risk.

The Rehabilitation Act of 1973, as amended, Section 503, and the Americans with Disabilities Act prohibit discriminating against qualified, disabled applicants and employees. Several recent court rulings have determined that AIDS is considered a disability covered under the Federal Law. Also, Iowa Code 601A.2(11) states that a positive HIV test result, a diagnosis of AIDS, AIDS-Related Complex, or other condition related to AIDS, is considered to be a substantial disability.

Iowa Code, Section 601A.6(1)d, prohibits requiring, as a condition of employment, that any employee or prospective employee take a test for the presence of the antibody to the human immunodeficiency virus, or to use the test or results of such a test to affect the terms, conditions or privileges of employment, or to terminate an employee solely as a result of the test.

**Discharge from Military Service:**

A policy which arbitrarily eliminates candidates who have less than honorable military discharges may violate Title VII and the Iowa Civil Rights Act. Evidence demonstrates that proportionately more black males than white males were given dishonorable discharges from the military service. Thus, requiring an honorable discharge, or preferring applicants with honorable discharges, could have a disparate impact on non-white applicants.

**Dress and Appearance:**

The employer has a legitimate business interest in having employees who represent the agency present the employer's desired image and appearance to the public. The courts have ruled that reasonable dress and appearance codes are a proper exercise of management authority. The standards must be directly related to the requirements of the position and not impact on any protected class. Employers should be aware that an appearance requirement based on offensive or demeaning sex stereotypes may be a Title VII violation.

**Fidelity Bond:**

This question presumably represents an indirect effort to find flaws which may exist in an individual's past. The difficulty with this, however, is that a fidelity bond may be denied for totally arbitrary and discriminatory reasons which the individual does not have an adequate opportunity to know of or challenge. Therefore, it is advisable not to ask questions about fidelity bond refusal.

**Financial Status or Owning a Home or Car:**

Persons of color and women tend to be adversely affected when financial status (including home and car ownership) is a hiring consideration. This is because, on average, minorities and women

have lower incomes than white males. Therefore, except in cases of business necessity, it is unlawful to use these factors when making hiring decisions. See EEOC Decision 72-0427 (1971).

**Friends or Relatives Employed Here:**

This question may reflect a preference for friends or relatives of present employees. Such a preference would be unlawful if it has the effect of reducing employment opportunities for women or minorities. It would have this unlawful effect if the present workforce composition differs significantly from the proportion of women or minorities in the available labor force from which workers are recruited. This unlawful effect may also reflect a rule that only one partner in a marriage can work for the employer. There is a growing recognition that such a rule hurts women far more than men, and that the rule often serves no necessary business purpose.

**Garnishment Record:**

In Johnson v. Pike Corporation of America, 322 F. Supp. 490 (C.D. Calif. 1971), the court ruled that an employer violated Title VII by discharging an African-American employee because his wages had been garnished several times. The district court based its conclusion on the reasoning of the Supreme Court's test ruling, Griggs v. Duke Power Co., 401 U.S. 424 (1971), and on the district court's findings that minorities suffer wage garnishments substantially more often than do whites, and that wage garnishments do not affect a worker's ability to perform work effectively.

**Height, Weight:**

Minimum height or weight requirements which are not related to the job to be performed have the effect of excluding high percentages of women and members of certain nationality groups. Unless height or weight is directly related to a job requirement, and listed on the job specification, these questions must not be asked.

**Marital Status:**

Some employers have refused to hire married women for certain jobs. Most airlines, for example, refused for many years to permit a married woman to be a flight attendant, though other employees could be married. This practice was held to violate Title VII of the Civil Rights Act of 1964 in Sprogis v. United Air Lines, 444 F.2d 1194 (7th Cir, 1971). The Equal Opportunity Commission's Guidelines on Discrimination because of Sex (P 1604.4a) expresses the same conclusion.

It would also violate Title VII of the 1964 Civil Rights Act, as amended, for an employer to refuse to hire a married woman, or to pay a married woman less than a married man for the same work on the supposition that a woman's pay represents a second income while the man's does not. Finally, an employer could not refuse to hire a married woman for any job or for particular jobs because of the employer's beliefs concerning morality or family responsibility.

In the past, some applications have included questions on whether the applicant is widowed, divorced, or separated. Such inquiries must be eliminated because they are not related to job performance.

Asking an applicant to provide any prior married name, in effect, asks whether an individual has been divorced. By its nature, however, it asks this question only of women because only women

change their name upon marriage. Thus, the question is discriminatory, unless the employer must have the information as a means of identification for purposes of pre-employment investigation. Information needed for tax, insurance, or social security purposes is to be obtained only after actual employment.

**Pregnancy and Childbirth:**

A written or unwritten policy or practice which excludes from employment applicants or employees because of pregnancy, childbirth, or related medical conditions is in violation of Title VII of the Civil Rights Act of 1964, as amended. The same terms apply under Iowa Code Section 601 A.6(2).

The Pregnancy Discrimination Act (Public Law 95-955) requires that women affected by pregnancy and related conditions must be treated the same as other job applicants and employees based on their ability or inability to work. A woman is protected against such practices as being refused a job, being fired or refused a promotion merely because she is pregnant or has had an abortion.

**Salary (Lowest Will Accept):**

Women generally have been relegated to poorer paying jobs than men, and have often been paid less than men for the same work. As a result of this discrimination, a woman might be willing to work for less pay than a man would find acceptable. It is unlawful, however, to pay a woman less than a man would be paid for the same or similar job simply because of community wage patterns which are based on discrimination. See Hodgson v. City Stores, Inc., 332 F. Supp. 942 (M.D. Ala., 1971).

**Saturday and Sunday Work:**

This question may serve to discourage applications from persons of certain religions that prohibit their adherents from working on Saturday or Sunday. On the other hand, it may be necessary to know whether an applicant can work on these days. Section 701(j) of Title VII of the 1964 Civil Rights Act, as amended, prohibits discrimination on the basis of religion and defines religion to include "all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he (sic) is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business." If this kind of question is asked, it would be desirable to indicate that a reasonable effort will be made to accommodate the religious needs of employees.

**Sex:**

Title VII prohibits discrimination in employment based on sex except in the few instances in which sex may be a "bona fide occupational qualification reasonably necessary to the normal operation" of the employer's business. There currently are few jobs in state government that can be performed by only one sex. For this reason, you must omit any question, except voluntary EEO/AA related questions, asking the applicant's sex from an application form or interview process.

**Spouse's Name:**

To the extent that this question asks for marital status, the comments on marital status apply. A spouse's name may also be used as an indication of religion or national origin. If next of kin information is needed for emergency use, this is appropriately gathered only after hire.

**Spouse's Work:**

To the extent that this question asks for marital status, the comments on marital status questions apply. In addition, some employers have been reluctant to hire a woman if that would make her the second income provider in the family, whereas there is seldom any objection to hiring a man if that would make him the second income provider in the family. Such a policy is unlawful under Title VII and other nondiscrimination laws.

**Drugs:**

With limited exceptions, an employer shall not require or request employees or applicants to submit to a drug test as a condition of employment, pre-employment, promotion, or change in status of employment, nor shall an employer conduct random or blanket testing of employees (Iowa Code Section 730.5).

Exceptions are testing for peace officers and correctional officers, and testing required by federal statutes or regulations. Under state law, a drug test may be conducted as part of a pre-employment physical only if the following requirements are met:

- The employer shall include notice that a drug test will be part of a pre-employment physical in any notice or advertisement soliciting applications, or in the application for employment;
- The applicant shall be personally informed of the requirement for a drug test at the first interview. Under federal law, any employment physical can be administered only after a conditional offer of employment has been made.

**Polygraph (Lie Detector):**

Most employers are barred from requiring an employee or job applicant to take a lie detector test. This is the law under the federal Employee Polygraph Protection Act (P.L. 100-347). The law does allow some limited exceptions in the private sector and does not apply to the U.S. government or any state or local government or political subdivision.

Iowa Code section 730.4 also prohibits employers from requiring job applicants or employees to take a polygraph or other lie detector test, including a voice stress analyzer, as a condition of initial or continued employment. The law does not apply to pre-employment screening for peace officers and closely related positions such as correctional officers.

**Summary List of Topics to Avoid:**

- Age
- Color
- Race
- Disability
- National Origin
- Marital Status
- Religion
- Sex
- Arrest Record
- Credit References
- Garnishment Record
- Types of Discharges From Military Service
- Child Care Arrangements
- Contraceptive Practices
- Plans to have Children
- Unwed Parenthood
- Height and Weight
- Transportation, not job-related
- Past Workers' Compensation Claims

**Bona Fide Occupational Qualification:**

In the past, many jobs have acquired the classification of “men’s jobs” or “women’s jobs” based on outmoded generalizations regarding the strength, size, or apparent preferences of men and women without taking into account individual characteristics. Interpretations of Title VII of the 1964 Civil Rights Act in the courts, however, have rarely allowed the dividing of jobs based on sex.

Sex is a bona fide occupational qualification (BFOQ) for positions requiring physical characteristics possessed only by one sex; this is applied only to such occupations as actors, artists’ models, rest room attendants, wet nurses, or sperm donors. Other than these examples, all jobs and opportunities must be made equally available to both sexes.

Title VII makes no provision for a BFOQ based on race or color. A BFOQ based on religion may apply where an educational institution is owned, supported, and controlled by a particular religious group, or if its curriculum is directed toward the promotion of a particular religion. A BFOQ based on national origin may apply in some instances where the purpose of an organization is to further the interests of a particular nationality.

## Successful Interviews – A Summary:

**The keys to a successful interview are preparation, organization, and planning.**

- Take time to prepare solid, job-related questions.
- Ask these questions consistently of all applicants to insure equal treatment during the interview.
- Organize your questions into a logical sequence.
- Listen attentively to the answers your questions generate.

Well-planned questions pay off. Present information about the position accurately, clearly and consistently to all applicants.

From a legal standpoint, make sure your questions are:

- Job-related: based on the requirements of the job as stated in the position description.
- Objective: calling for behavioral-based objective responses and allowing for objective evaluation of answers.
- Consistently applied: to all applicants.
- Verified: the qualifications of the applicants should be verified before making a hiring decision. If you find evidence of false information on an application, contact your department's personnel officer immediately.
- Written Offer: make conditional offers of employment in writing if there are conditions that must be met before the employee can be put on the payroll (i.e., reference checks, physicals, licenses, etc.). Do not tell the person that they are hired until all information has been obtained and reviewed. You should use a written form letter to document conditional offers of employment. (See sample at the end of next chapter.) This type of letter will protect you from unfounded claims related to your job offer.

## GUIDE TO PREEMPLOYMENT INQUIRIES

	<b>ACCEPTABLE</b>	<b>UNACCEPTABLE</b>
1. Arrest Records	None. (For convictions see No. 5) (Law Enforcement may be an exception)	Number and reasons for arrests.
2. Availability for Work on Weekends/ Evenings	If asked of all applicants and it is a business necessity for the person to be available to work weekends and/or evenings.	Any inquiry about religious observance.
3. Child Care	None.	Inquiry into child care arrangements of only one gender of applicants.
4. Citizenship, Birthplace, & National Origin	<p>The only legitimate concern here is whether the applicant is eligible to work in the United States under terms of the Immigration Reform and Control Act of 1986.</p> <p>There is a fair and advisable way to obtain this information. The best approach is to ask: Are you either a U.S. citizen or an alien authorized to work in the United States?</p> <p>The “Yes” or “No” answer that follows provides all needed information while not disclosing which (citizen or alien) the applicant is.</p>	Birthplace, national origin, ancestry, or lineage of applicant, applicant’s parents, or applicant’s spouse.
5. Conviction Records	Inquiry into convictions if job-related.	Any inquiry about conviction unrelated to job requirements.
6. Creed or Religion	None, except where religion is a bona fide occupational qualification.	Applicant’s religious affiliation, church, parish, or religious holidays observed.

	<b>ACCEPTABLE</b>	<b>UNACCEPTABLE</b>
7. Credit Records	Must follow the Fair Credit Reporting Act. This act requires notification of applicants if you use outside sources to provide information to make adverse decisions about them.	Not informing applicants when you use information gained from sources outside your organization.
8. Disability	Whether the applicant can perform essential functions of the job in question.	To ask applicant to list/describe his/her disability.
9. Family Status	Whether applicant has responsibilities or commitments which will prevent meeting work schedules, if asked of all applicants regardless of sex.	Marital status, number and age of children, spouse's job.
10. Height & Weight	None, unless clearly job-related.	Any inquiry unrelated to job requirements.
11. Language	Language applicant speaks or writes fluently, if job-related.	Applicant's native tongue, language used by applicant at home, or how applicant acquired the ability to read, write, or speak a foreign language.
12. Marital Status	None.	Whether applicant is married, single, divorced, separated, engaged or widowed.
13. Military Service	Military experience or training.	Type or condition of discharge.
14. Name	Whether applicant has worked under a different name.	The original name of an applicant whose name has been legally changed or the national origin of an applicant's name.

	<b>ACCEPTABLE</b>	<b>UNACCEPTABLE</b>
15. Organizations	Applicant's membership in professional organizations, if job-related.	All clubs, social fraternities, societies, lodges, or organizations to which applicant belongs.
16. Photographs	None except after hiring.	Photograph with application or after interview, but before hiring.
17. Pregnancy	None.	Any inquiry into pregnancy, medical history of pregnancy or family plans.
18. Race or Color	None.	Applicant's race or color of applicant's skin.
19. References	Names of work references.	Name of applicant's pastor or religious leader.
20. Relatives/Friends	Names of applicant's relatives already employed by your organization or a competitor, but you may not give preference if women and minorities are underrepresented in your work force.	Names of friends working for the company or relatives other than those working for the company.

## CHAPTER 19 POST OFFER SCREENS

### What are they?

Post offer screens are those screening processes used to screen applicants after an offer-to-hire is made where it is stated in writing that the offer is a conditional offer of employment that requires the successful completion of the established screening requirement.

### Types Used

#### Drug tests:

Drug test usage has been restricted under Iowa law. Iowa Code Section 730.5 covers use in the private sector. Governments are restricted in their use of drug testing in employment selection. In general, it can apply to law enforcement positions and those covered by the federal law on transportation-related positions.

When using drug tests, a supervisor must be aware that under the Americans with Disabilities Act, individuals with previous substance abuse problems who have received rehabilitation are disabled and covered under the protections of the Act. This means they must not be singled out for testing, as drug tests must be administered in a non-discriminatory manner. All persons testing positive must be treated the same.

#### Polygraph examinations:

Polygraphs are mechanical devices that measure a person's galvanic skin response, heart rate, and breathing rate. The theory behind the polygraph is that if a person answers incorrectly, the body's physiological responses will reveal that the response is false through the measurements displayed by the polygraph recording.

Under Iowa law, the use of polygraph examinations has been restricted to hiring processes for law enforcement positions. This includes Correctional Officers. This type of screening process has been controversial. The federal Employee Polygraph Act bars the use of polygraphs for private employers for screening purposes, but exempts governments from that restriction.

#### Medical examinations:

##### What are they?

This type of post offer screen includes any medical or physical examination that requires examination of health-related information from an applicant. This could be an actual physical examination by medical personnel or medical questionnaires that provide a post job offer functional screening evaluation.

##### Why conduct a medical examination?

Medical examinations can be used like any other screening requirement. That is, they are useful in determining if the applicant is able to perform the essential functions of a position. In some positions, the essential functions require the possession of a certain level of physical performance that is appropriately measured by a medical screen.

**Issues to be aware of:**

- A medical examination or other medical screen must meet the following criteria. They must be:
  - Job-related and justified as a business necessity.
  - Conducted after a conditional offer of employment is made.
  - Universally applied.
- Medical or physical examinations and other health-related information may only be obtained after a conditional offer of employment to comply with the Americans with Disabilities Act.
- The job offer can be made conditional on the satisfactory result of a post-offer medical examination or other medical inquiry.
- Medical examinations must be job-related. They must screen for requirements that are documented through review and analysis of the job as required to successfully perform essential functions safely and effectively.
- It is clearly illegal under the Americans with Disabilities Act to screen for disabilities that are unrelated to the ability to perform successfully on the job.
- Medical screening procedures must be designed to be consistently administered and interpreted by medical personnel and/or users of specific medical information. A medical screening procedure that is not consistently applied can be a significant legal liability, especially where the accuracy of the information is affected.
- Medical information about applicants must be maintained in confidential files that are separate from normal personnel files.
- Candidates for employment cannot be screened out, or a conditional offer of employment withdrawn, unless the decision is based on valid medical evidence that the individual cannot perform the essential functions of the job after reasonable accommodations are given, or documenting that the provision of a reasonable accommodation would cause an undue hardship on the employer.
- In general, when a physical examination is required, the employer pays for the examination. The employer can then require the use of a designated physician or other medical personnel.
- Medical examinations have limited effectiveness in predicting future health risks.
- According to the ADA Technical Assistance Manual issued by the federal EEOC, most medical experts do not consider back x-rays to be good predictors of future back problems. The EEOC Technical Assistance Manual for the Americans with Disability Act cites disqualification for jobs based on an abnormal back x-ray as a case where the risk of harm is too speculative or remote to disqualify an individual from a job that requires heavy lifting.
- Medical exams can be required to assess whether an individual requesting an accommodation under the ADA has a disability that meets the definition of a disability contained in the ADA.

- A medical policy or examination that focuses on disability rather than the ability of a person is likely to be found discriminatory.
- Periodic examinations and other medical screening required by federal, state, or local law should be continued unless they are clearly not consistent with the Americans with Disabilities Act. This should be clearly documented if they are discontinued.
- Doctors, or other medical personnel who conduct medical examinations, should not be responsible for making employment decisions, because that is the responsibility of the employer. The role of the medical personnel should be limited to advising the employer about an individual's functional abilities, limitations, and medical conditions.
- Medical personnel should be furnished with specific information about the job when they are being asked about capacity to perform essential functions. This should include the specific essential functions for the position involved.

## CHAPTER 20 RECORDKEEPING

### What is required?

Records *must* be kept to document each step of the selection process including what screening processes were used and the results for each step for each individual involved. This is both a legal requirement set by federal equal employment opportunity law and a good professional personnel practice.

### Why keep the records?

Under equal employment opportunity law at both the state and federal levels, any applicant who has some protected status under the law can file a discrimination complaint. If they can show that they have been treated differently, their case probably will go to court. This will be a certainty if you have not kept adequate records.

Not only will the case go to court, you will be hard-pressed to present a winning defensive case if you have not kept adequate records. Losing a discrimination case can cost the department and the State a large amount of unbudgeted money, and it certainly can have a negative impact on the image of the State as an employer.

### How long must records be kept?

Records must be kept a minimum of three years to satisfy both state and federal records requirements.

### What records must be kept?

- A record of your review process that established the essential functions and the competencies required to perform them. This includes the supporting material that documents that the functions are essential. It should also include a copy of the PDQ with the essential functions and required duties listed.
- A copy of any advertisements or posted vacancy announcements. Any general qualifications and selective requirements should be evident.
- Copies of all applications received.
- A copy of each screening method used and the results of the method by individual. The reasons for including and excluding each applicant should be maintained. (A form that can be used to document results for each individual on the certificate on each screening process used has been included in this chapter.)
- Copies of all correspondence to applicants. (Examples of letters to applicants are included in this chapter.)
- A copy of the overall screening plan.
- A copy of the Checklist for Supervisors Filling positions and associated documents such as the Vacancy Service Request.
- A copy of the official applicant list received from DAS-HRE and coded for return.
- Copies of interview questions and applicant responses.
- Copies of background checks must also be maintained, but have to be maintained as confidential records.
- Copies of reference check questions and responses.
- A record of the reasons that the applicant hired was chosen.

It is very important that these records be assembled and retained for each hiring process. It takes much more time to assemble records for a complaint if they have to be reconstructed than if they have been assembled properly. It also is much more risky not to have the records and lose a complaint in court. More importantly, many times a complaint can be handled successfully early in the process with immediate access to the proper records.

**SAMPLE OF OFFER OF EMPLOYMENT LETTER**

**Date**

**Name**

**Address**

**City, State, Zip Code**

**Dear (first name):**

It is my pleasure to offer you the position of (job title) in the (Bureau/division) of the Department of \_\_\_\_\_ for which you recently interviewed. Your starting date will be (date of hire) at (time) when you will report to (name of supervisor) at (job location).

Your salary will be (amount) bi-weekly, and your employment will be governed by the Rules of the Iowa Department of Administrative Services – Human Resources Enterprise (DAS-HRE) and Chapter 20 of the Code of Iowa. Your work assignment will be (days of work, hours/shift), with (non-work days) as days off.

The conditions of your employment may change as operational needs dictate.

Please sign and date this letter indicating your acceptance of the position and return to me by (date).

We sincerely hope you accept this assignment and look forward to working with you.

Sincerely,

**Supervisor's Name**

**Supervisor's Title**

**cc: Employee Services**

**SAMPLE LETTER FOR TEMPORARY OR SEASONAL EMPLOYEE**

**Date**

**Name**

**Address**

**City, State, Zip Code**

**Dear (first name):**

**You have been selected for (temporary or seasonal) employment as a (job title) on (date of hire) at an hourly salary of (amount).**

**You will be governed by the Rules of the Iowa Department of Administrative Services-Human Resources Enterprise (DAS-HRE) and Chapter 20 of the Code of Iowa.**

**On (date of hire) please report to (name of supervisor) at (job location) at (time). Your supervisor will assign your actual hours of work.**

**The conditions of your employment may change as operational needs dictate.**

**According to DAS-HRE Rules, any temporary employee who earns \$300 or more per quarter in two consecutive quarters or who works 1,040 or more hours in a calendar year will have IPERS deducted from their wages.**

**We look forward to seeing you on (date of hire) and working with you during your term of employment.**

**Sincerely,**

**Name of Supervisor**

**Supervisor's Title**

**c: Human Resources Unit**

**SAMPLE LETTER 1 – NOT INTERVIEWED**

**Date**

**Name**

**Address**

**City, State, Zip Code**

**Dear (first name):**

The selection committee for the position of \_\_\_\_\_ has completed the initial evaluation of all the applications received.

There were a number of highly qualified applicants, which made screening them difficult. This letter is to inform you that we will not be giving your application consideration for this position.

Your application will be kept active with the Department of \_\_\_\_\_ for two years from the date originally submitted. You may add additional job titles as they are announced.

Thank you for your interest in employment with the State of Iowa and this department.

Best wishes in your future endeavors.

Sincerely,

**Supervisor**

**Supervisor's Title**

**SAMPLE LETTER 2 – NOT INTERVIEWED**

**Date**

**Name**

**Address**

**City, State, Zip Code**

**Dear (first name):**

**I have completed the initial evaluation of all the applications received for the position of \_\_\_\_\_ . This letter is to inform you that you will not be given an interview.**

**After careful consideration of all applicants, I have selected individuals that I feel best meet the requirements of the position.**

**I want to thank you for the time and energy that you put into applying for this position.**

**Sincerely,**

**Supervisor's Name**

**Supervisor's Title**

**SAMPLE LETTER 1 – INTERVIEWED, NOT HIRED**

**Date**

**Name**

**Address**

**City, State, Zip Code**

**Dear (first name):**

The selection committee for the position of \_\_\_\_\_ has completed the interview and selection process.

Due to the high quality of applicants interviewed, selecting one candidate for the job was difficult. This letter is to inform you that you were not selected for the position.

Your application will be kept active with the Department of Administrative Services-Human Resources Enterprise (DAS-HRE) for two years from the date originally submitted. You may add additional job titles as they are announced.

Thank you for your interest in employment with the State of Iowa and this department.

Best wishes in your future endeavors.

Sincerely,

**Supervisor's Name**

**Supervisor's Title**

**SAMPLE LETTER 2 – INTERVIEWED, NOT HIRED**

**Date**

**Name**

**Address**

**City, State, Zip Code**

**Dear (first name):**

**Thank you for taking the time to interview for the (job title) position. Your interest in the vacancy was appreciated.**

**After careful consideration of all applicants, I have selected another individual who best suits the requirements of the position.**

**Sincerely,**

**Supervisor's Name**

**Supervisor's Title**

**SAMPLE CONDITIONAL LETTER OF EMPLOYMENT**

**Date**

**Name**

**Address**

**City, State, Zip Code**

**Dear (first name):**

It is my pleasure to offer you the position of (job title) in the (Bureau/Division) of the Department of \_\_\_\_\_ for which you recently interviewed. Your starting date will be (date of hire) at (time) when you will report to (name of supervisor) at (job location).

Your salary will be (amount) bi-weekly, and your employment will be governed by the Rules of the Iowa Department of Administrative Services–Human Resources Enterprise (DAS-HRE) and Chapter 20 of the Code of Iowa. Your work assignment will be (days of work, hours/shift), with (non-work days) as days off.

Your appointment is conditional provided you (examples: pass the required physical examination).

You will be in probationary status the first six months of your employment. During that time, you have all rights of a permanent employee with the following exceptions: you will not be eligible for promotional certification, voluntary demotion or transfer, and your appointment may be terminated without right of appeal.

The conditions of your employment may change as operational needs dictate.

Please sign and date this letter indicating your acceptance of the position and return to me by (date). We sincerely hope you accept this assignment and look forward to working with you.

Sincerely,

**Supervisor's Name**

**Supervisor's Title**

## CHAPTER 21 PROBATIONARY PERIOD

### What is it?

For most positions in the Executive Branch, the probationary period is a six-month period of probationary status where employees' employment is not yet permanent with the associated rights that are mandatory for all full-time or part-time appointments. A period of twelve months is required for some positions such as those in the Department of Public Safety not covered by DAS-HRE rules. The application of a probationary period is also an option that can be applied to a reinstatement. During the probationary period, employees are not eligible for promotional application or certification, reinstatement, or other rights of position including recall, appeal, or termination.

### Why have a probationary period?

The probationary period is the final screening step in the hiring process. It allows for a final assessment of the individual's ability to successfully perform on the job before the rights associated with permanent status are given by the appointing authority.

In order to make an accurate measurement of the applicant's ability to perform in the job, it is crucial that several key processes are completed. These include:

- An accurate, up-to-date position description should be in place for the position the new employee is occupying.
- A clearly job-related and specific employee-related job training plan is required. This plan should be developed by comparing the competencies developed in establishing the job requirements process with the competencies the individual hired actually possesses.
- Any required competencies not possessed, or competencies where the required level of competency should be improved, should form a key base for the training plan.
- An individual performance plan should be prepared and discussed with the employee early in the probationary period. This document should clearly reflect the key results expected of the new employee during the probationary period. The employee should be evaluated using this plan at least once during the probationary period, such as after the first three months in the job, and near the end of the probationary period to determine if permanent status is appropriate.

The plan should also be clearly job-related and tied to the information developed in the establishing job requirements process. That is, the document should be based on the results required (strategies/goals), the action steps required to achieve them, performance criteria and time lines.

A final decision about granting permanent status should be made based on how the individual has performed based on the training plan, the performance standards, and an evaluation of the individual's performance conducted before the end of the evaluation period. Final decisions should not be a surprise, as the evaluation and training should be a continuous process during the probationary period.

## APPENDIX

### Definitions

**Ability** – the power to perform an activity at the present time.

**Adverse Impact** occurs when the employer makes decisions based upon factors that are not job-related and that have a statistically disproportionate effect on certain groups of people. For example, in requesting a job transfer to a security guard position, a woman employee finds that the agency stipulates that candidates must be at least five-foot-nine and 155 pounds to qualify. Such a stipulation would have a disproportionately negative effect on women, certain Asian groups, and possibly Latinos. If the agency could not prove the job-related connection between such height and weight requirements and successful performance in the position, this practice could be found to be discriminatory and illegal.

**Affirmative Action** involves taking positive, proactive steps to ensure equitable representation of minorities, women and persons with disabilities at all levels of the organization. It specifically deals with the effects of past discrimination and is limited to ethnic minorities, women, and persons with disabilities.

**Applicant questionnaire** – A list of questions that require a written response from the applicant. The questions are generally sent or otherwise provided to the applicant immediately after receiving an application, resume, or request for materials. The questions must be job-related and provide information about the competencies required to successfully perform the essential functions of the class or position.

**Balanced Workforce** – A workforce that has women, racial/ethnic Minorities and Persons with Disabilities represented in all job groups and salary ranges at approximately the same rate as their representation in the wider labor force, as reflected by availability.

**Behavior/Characteristic** – an attitude, aptitude, trait or personality factor, physical or other behavioral trait.

**Behavioral Indicator** – a task or action step describing how a competency is applied or demonstrated in the job.

**Business necessity** – the requirement being measured is truly essential, that is, it is directly related to performing an essential function of the job.

**Competencies** – observable and measurable knowledges, skills, abilities, and behaviors that must be applied to achieve results aligned with the goals of the organization.

**Core competencies** – required of most jobs in state government (these are typically the last seven competencies listed on class descriptions).

**General competencies** – these competencies are applicable to many jobs.

**Technical competencies** – these competencies are those specialized areas of knowledge, ability, or skills that are acquired through formal education, training or experience on the job that provide the core technical base for performing the job.

**Disparate Treatment** is different treatment based on race, sex, color, religion, age, creed, physical or mental disability, or national origin. For example, a minority employee receives harsher discipline than a non-minority employee for the same infraction of a work rule.

**Diversity** – Diversity refers to any perceived difference among people. According to Roosevelt Thomas, Executive Director of the Institute for Managing, managing diversity is a complex process for developing an environment that works for all employees. Ann Morrison in *New Leaders: Guidelines on Leadership Diversity in America* has defined diversity on four levels: diversity as racial/ethnic and gender balance, diversity as understanding of other cultures, diversity as culturally divergent values, and diversity as broadly inclusive. The key to an organization initiating diversity as a managerial process is to clarify the organization's diversity objectives and to incorporate the objectives into its strategic plan.

**Duty** – a specific task, activity, or example of a work process that produces a product or result.

**Equal Employment Opportunity** – means that everyone has an equal access to employment opportunities based on his or her qualifications. Federal and state legislation provide that no one can be discriminated against in employment due to race, color, religion, age, sex, creed, national origin, or disability. It applies to all areas of employment, including hiring, training, promotions, job assignments, benefits, discipline, and discharge.

**Essential functions** – are absolute requirements for producing critical job results/outputs.

**Job Analysis** – the study of a job or group of jobs to identify the major tasks and the competencies needed to perform them.

**Job-related** – it can be demonstrated through a documented review of the position that the competencies measured in the screening method are required to successfully perform the job.

**Job requirements** – the competencies required to perform the essential functions of the position.

**Results/outputs** – the actual “product” that a position is expected to produce.

**Knowledge** – an organized body of information that must be known to be able to perform the job duties and essential functions to produce the expected outputs/results.

**Perpetuating Past Discrimination** – occurs when an employer's current practices, though on the surface seemingly non-discriminatory, when viewed in the context of past discriminatory practices, may have a discriminatory effect. For example, a company finds all its new employees through its employee referral program. Such a policy would not seem to be discriminatory unless the company's current workforce is all white due to discriminatory hiring in the past. Referrals from an all-white workforce are likely to yield an all-white stream of applicants.

**Physical requirements** – include any requirement that establishes a physical, mental, or medical standard or qualification to perform a job.

**Proficiency Level** – the degree of complexity, difficulty, scope, or independence required to apply a competency or behavioral indicator as needed in the job (for example: advanced, intermediate, and basic).

**Protected Groups** – All employees regardless of racial/ethnic, gender, disability status or age groups are regarded as “protected groups” under equal employment opportunity laws. Those groups for which affirmative action remedies or EEO compliance are appropriate are those groups of employees, former employees or applicants who have experienced and/or continue to experience the loss of employment opportunities or benefits due to discriminatory practices or policies of the employer.

**Qualifications** – standards for the amount and kinds of education, training, and experience that an applicant must possess in order to be considered for employment in a job class and position.

**Reasonable Accommodation** – The ADA does not define “reasonable accommodation.” Equal Employment Opportunity Commission (EEOC) regulations define “reasonable accommodations” as modifications or adjustments to the application process, work environment, or manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to be considered for a desired position, perform the essential functions of a position, or enjoy equal benefits and privileges of employment to other similarly-situated employees without disabilities [9 C.F.R. § 1630.2(o)(1) (1999)]. EEOC interpretive guidelines define “reasonable accommodation” as any change in the work environment or in the way things are usually done that results in equal employment opportunities for an individual with a disability [9 C.F.R. Pt. 1630, App. §1630.2(o) (1999)].

**Retaliation** – In processing a charge involving an allegation of retaliation, there are three essential elements: 1) protected activity - opposition to discrimination or participation in the statutory complaint process; 2) adverse action; and 3) causal connection between the protected activity and the adverse action.

**Screening plan** – is a plan established to determine how you will identify applicants with the required competencies who will be the most likely to succeed on the job and produce the results required.

**Skill** – the proficient manual, verbal or mental manipulation of people, data, or things. This involves consistently demonstrating a pattern of behavior.

**Underutilization** – Condition when there are fewer women, racial/ethnic Minorities, or Persons with Disabilities with requisite skills in a particular job category/group than would reasonably be expected by their availability in the relevant labor market for which an organization recruits.

**Validity** – an employment screening test adequately and appropriately measures the elements of a job or group of jobs that is purported to be testing for either documented as “content valid” or it has predictive validity demonstrated through a criterion validation study.